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## Legislative Assembly of Ontario

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# Official Report of Debates (Hansard)

Monday 31 January 2005

# Journal des débats (Hansard)

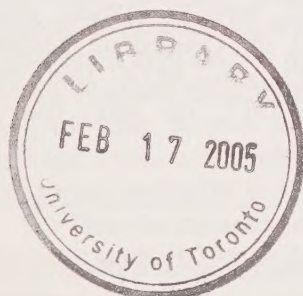
Lundi 31 janvier 2005

**Standing committee on  
general government**

Greenbelt Act, 2005

**Comité permanent des  
affaires gouvernementales**

Loi de 2005 sur  
la ceinture de verdure



Chair: Linda Jeffrey  
Clerk: Tonia Grannum

Présidente : Linda Jeffrey  
Greffière : Tonia Grannum



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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GENERAL GOVERNMENTCOMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES

Monday 31 January 2005

Lundi 31 janvier 2005

*The committee met at 1004 in room 228.*

## GREENBELT ACT, 2005

LOI DE 2005 SUR  
LA CEINTURE DE VERDURE

Consideration of Bill 135, An Act to establish a greenbelt area and to make consequential amendments to the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Act, 2001 and the Ontario Planning and Development Act, 1994 / Projet de loi 135, Loi établissant la zone de la ceinture de verdure et apportant des modifications corrélatives à la Loi sur la planification et l'aménagement de l'escarpement du Niagara, à la Loi de 2001 sur la conservation de la moraine d'Oak Ridges et à la Loi de 1994 sur la planification et l'aménagement du territoire de l'Ontario.

**The Chair (Mrs. Linda Jeffrey):** Good morning. The standing committee on general government is called to order. We are here today for the purpose of commencing public hearings on Bill 135.

## SUBCOMMITTEE REPORT

**The Chair:** The first item of business on our agenda is the report of the subcommittee on committee business. May I ask someone to move the report of the subcommittee and read it into the record.

**Mr. Lou Rinaldi (Northumberland):** Madam Chair, I will move the report of the subcommittee.

Your subcommittee met on Wednesday, December 15, 2004, and Monday, January 10, 2005, to consider the method of proceeding with Bill 135, An Act to establish a greenbelt area and to make consequential amendments to the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Act, 2001 and the Ontario Planning and Development Act, 1994 and recommends the following:

(1) That the committee meet for the purpose of public hearings on Bill 135 on January 31, February 1, 2 and 3, 2005.

(2) That the committee meet in Toronto, Grimsby and Markham from 10 a.m. to 5 p.m. Times and locations are subject to change and based on witness response and travel logistics.

(3) That an advertisement be placed in the English dailies and the one French daily in the areas affected by

Bill 135. If there is not an English daily in that area, then an advertisement will be placed in the English weekly. And that an advertisement also be placed on the OntParl channel and the Legislative Assembly Web site.

(4) That the deadline for those who wish to make an oral presentation on Bill 135 be 5 p.m. on January 24, 2005.

(5) That the clerk provide the subcommittee members with the list of witnesses who have requested to appear by 6 p.m. on January 24, 2005, and that if all witnesses cannot be accommodated, the caucuses provide the clerk with a prioritized list of witnesses to be scheduled by 4 p.m. on January 25, 2005.

(6) That individuals be offered 10 minutes in which to make their presentations and organizations be offered 15 minutes in which to make their presentations.

(7) That the Minister of Municipal Affairs and Housing be invited to make a 30-minute presentation before the committee the morning of January 31, 2005, followed by a 30-minute technical briefing by ministry staff.

(8) That the opposition critics be allotted 15 minutes each to respond to the minister's and ministry staff's briefing on January 31, 2005.

(9) That the deadline for written submissions on Bill 135 be 5 p.m. on February 3, 2005.

(10) That amendments to Bill 135 should be received by the clerk of the committee by 1 p.m. on February 8, 2005.

(11) That the committee meet for the purpose of clause-by-clause consideration of Bill 135 on February 10, 2005, in Toronto.

(12) That the research officer provide the committee with a summary of witness presentations prior to clause-by-clause consideration of Bill 135.

(13) That the clerk of the committee, in consultation with the Chair, be authorized prior to the passage of the report of the subcommittee to commence making any preliminary arrangements necessary to facilitate the committee proceedings.

**The Chair:** Are there any questions or comments on the report of the subcommittee?

**Mr. Tim Hudak (Erie-Lincoln):** The point I want to raise—and I do apologize; my office has given notice—is with respect to restricting media access to the hearings in Grimsby. Are we going to have an opportunity to discuss that this morning? Obviously, you know where I stand on



the issue. I think there should be full media access to those hearings. I guess I'd like a response from the Chair as to how we're going to solve that issue.

**The Chair:** We could have a subcommittee meeting after this to address that issue. In order to respect the time of the delegates who are here today, I would recommend that we have a subcommittee meeting following today's meeting.

**Mr. Hudak:** Maybe we could do it at the lunch break or something like that. I know Cogeco in Niagara wants to cover the hearings from gavel to gavel, which I fully support. I think that's appropriate. It's an important issue in Niagara.

**The Chair:** I'm happy to take your advice, and if the subcommittee is available during the lunch hour, we'll do that.

**Mr. Hudak:** That way we can give them the signal quite early.

1010

**Ms. Marilyn Churley (Toronto-Danforth):** Again, out of respect for all those waiting to speak to us, including the minister, of course, I would agree that we should meet at noon because I too have concerns about media access being cut off there. I think it's important that we resolve that.

**The Chair:** Are there any other questions or comments on the report of the subcommittee?

**Mr. Hudak:** Chair, if I could, I'm pleased to see all the media here this morning for the Toronto hearings, including a camera in the room, so hopefully the same type of access—

**The Chair:** Mr. Hudak, are you discussing the minutes?

**Mr. Hudak:** Certainly I am—and the same type of access, hopefully, would be available for those folks in Niagara.

**The Chair:** I think we're going to address the access issue at the subcommittee meeting. Do you have any more comments with regard to the minutes?

**Mr. Hudak:** I do, actually, Chair, and I thank you for your interest. The fact of the matter is, since the subcommittee met, I think we've been pleasantly surprised by the number of requests for time before the committee. In fact, I think we were able to invite maybe half or slightly less than half of those people who wanted to appear before this committee. Granted, a lot of important groups and individuals will be before this committee. I look forward to their input, as do my colleagues, but I am concerned that a large number of groups and individuals won't have their chance to bring their concerns forward to this committee. So I'd like to add a bullet: that the committee would extend the hearings to February 7, 8, 9 and 10 to hear from those delegations that were unable to make the first cut.

**Ms. Churley:** Madam Chair, was that a motion or just a suggestion?

**Mr. Hudak:** It's a motion.

**The Chair:** We're just getting some clarification.

**Mr. Hudak:** I appreciate the assistance of the clerk. I'd like to move a motion that the whip's office give us the authority and arrange for further committee hearings for February 7, 8, 9 and 10 to hear from delegates that were unable to appear before us on the four scheduled days this week.

**The Chair:** I open the floor to debate on that motion.

**Mr. Hudak:** I think I've made most of my points, so I don't need to belabour them because it's nice to have the minister here and I know how busy the minister's and staffs' schedule will be. I just want to make the point that there have been growing and widespread concerns about the greenbelt legislation, concerns about the sloppiness of the mapping exercise: areas left out of the greenbelt that probably should be part of it; areas that are in the greenbelt that probably have little or no scientific justification for being part of that. I think we would get some relevant and helpful suggestions from the groups that were left off the hearings this week and that additional days would enable us to get the best possible input on this piece of legislation.

**The Chair:** Any further debate? Seeing none, all those in favour?

**Mr. Hudak:** Recorded vote.

**Ayes**

Hudak, Yakabuski.

**Nays**

Churley, Duguid, Matthews, Rinaldi, Van Bommel, Wong.

**The Chair:** That motion is lost.

Any further questions with regard to the committee's minutes?

Seeing none, all those in favour? All those against? That is carried.

#### MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

**The Chair:** Good morning, Mr. Minister. We appreciate your attendance. You're the star of this first half-hour.

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors):** Good morning. I've been looking forward to this day for a long time, because it's very important that the public consultation process continue with respect to this bill. I'm very pleased to see everyone here again. Many of you I haven't seen, I guess, since the Christmas break.

Let me just start off by saying that I'm pleased to appear before the standing committee on general government and to have this opportunity to discuss our government's bill, the proposed Greenbelt Act, 2005.

I look to these public hearings as the next step in the extensive consultation process our government has



already carried out toward a proposed permanent greenbelt across the greater Golden Horseshoe to help curb sprawl, protect valuable natural heritage and agricultural systems and improve quality of life for Ontarians now and in the future.

Since assuming office, our government has taken many steps to advance these critical objectives. On December 16, 2003, the Greenbelt Protection Act, Bill 27, was introduced. It came before this same standing committee following second reading and, following third reading, it received royal assent last June 24. It established a one-year moratorium to December 16 of last year on new urban development in rural and agricultural areas within a study area, and it gave our government a time out to determine how best to proceed with permanent greenbelt protection. Bill 157, which was the Greenbelt Protection Amendment Act, 2004, extended the sunset date of Bill 27 to March 9, 2005.

Last February, I appointed the Greenbelt Task Force to provide preliminary recommendations to the government on long-term greenbelt protection, and then consult on these recommendations before delivering its final advice. The task force carried out extensive consultations last summer. It heard from more than 1,200 people and received more than 1,000 submissions, with representations from more than 60 stakeholder groups. The task force submitted its recommendations to me last August and they were made public, something that was not done with respect to the Oak Ridges moraine task force that was appointed a few years ago.

Staff from my ministry, as well as from the Ministries of Natural Resources, Environment, Agriculture and Food, Transportation, Public Infrastructure Renewal, Culture, and Tourism and Recreation then took the recommendations and worked together to draft a workable plan. On October 28 of last year, Premier McGuinty outlined the government's vision for permanent greenbelt protection and growth planning for the greater Golden Horseshoe. That same day, I introduced Bill 135 in the Legislature and released a draft greenbelt plan to the public.

If passed, the legislation will authorize the establishment of both a greenbelt area in the Golden Horseshoe and a greenbelt plan to provide details of how that protection will be achieved. It will require a review of the proposed greenbelt plan every 10 years to ensure the plan is doing what it set out to do; namely, to curb sprawl and protect environmentally sensitive and agricultural lands. It would authorize the Minister of Municipal Affairs and Housing to establish a Greenbelt Advisory Council to provide the minister with advice on matters relating to the legislation and the plan.

It would also allow for complementary amendments to the Oak Ridges Moraine Conservation Act, 2001, the Niagara Escarpment Planning and Development Act and the Ontario Planning and Development Act, 1994. For example, certain lands that the province has intended for years to be part of the Niagara Escarpment plan would, if Bill 135 is passed, be transferred to the NEP.

I want to spell out clearly the separate purposes of the proposed legislation and the plan. The proposed legislation, which is the subject of the committee hearings, sets the stage for greenbelt protection using broad objectives. These proposed objectives include, first of all:

- to establish a network of countryside and open-space areas which support the Oak Ridges moraine and the Niagara Escarpment;

- to sustain the countryside and rural communities;

- to preserve agricultural land as a continuing commercial source of food and employment;

- to recognize the critical importance of the agricultural sector to the regional economy;

- to provide protection to the land base needed to maintain, restore and improve the ecological and hydrological functions of the greenbelt area;

- to promote connections between the lakes and the Oak Ridges moraine and the Niagara Escarpment;

- to provide open space and recreational, tourism and cultural heritage opportunities;

- to support the social needs of a rapidly expanding and increasingly urbanized population;

- to promote links between ecosystems and provincial parks or public lands;

- to control urbanization of the lands to which the greenbelt plan applies;

- to ensure that the development of transportation and infrastructure proceeds in an environmentally sensitive manner; and

- to promote sustainable resource use.

#### 1020

These are all vitally important objectives, critical to ensuring the overall continuing strength and success of the Golden Horseshoe region. They are also broad objectives. Note that they do not constitute specific detail, as is found separately in the draft greenbelt plan. This, I think, is an important clarification that must be made. These hearings are to discuss Bill 135, the legislation that enables the government to set out the details in a greenbelt plan. Although we are not here to talk specifically about the draft plan, I realize that individuals who may be directly affected may wish to do so.

We have taken a page from the approach to greenbelt protection that my colleagues in opposition took a few years ago on the Oak Ridges moraine act and its plan. But this time we're taking more time to make sure we protect what needs protecting. I'll speak more about this a little later.

The Oak Ridges Moraine Conservation Act, 2001, is enabling legislation, and so is the proposed Greenbelt Act before the standing committee today for your consideration. The purpose of the standing committee hearings on the Oak Ridges moraine act was not to talk about the Oak Ridges moraine conservation plan; the purpose was to talk about the act. Similarly, our purpose here today is to talk about the proposed Greenbelt Act, 2004.

The proposed act would give the government the authority to specify land use designations through the greenbelt plan. The proposed act will, if passed, provide



a timetable for when municipal official plans must conform to policies. That doesn't make our task here any less important, however, for the proposed legislation is a catalyst for the quality of life in the Golden Horseshoe. We are moving toward protecting green space in the Golden Horseshoe, preserving Ontario's natural heritage and curbing sprawl. This is important for those who live and work in communities across this region today and for generations to come. I believe that Ontarians understand this.

During the last election campaign in October 2003, Premier McGuinty promised a permanent greenbelt for the greater Golden Horseshoe area in this part of Ontario, and our government is fully committed to keeping this promise. Support for the greenbelt was clearly evident in 2003, and it has not wavered. An Environmental Defence poll released this past November showed that 81% of the people surveyed in the region support our plans for a greenbelt.

The issues and the need for response are well understood. The Golden Horseshoe is one of the fastest-growing regions in North America. As we know, by 2031 about four million more people, the combined populations of Vancouver, Calgary and Edmonton, are expected to move to the Golden Horseshoe area. This growth will add about two million jobs and create new strength in our economy. It will also create significant challenges to ensuring growth in a planned, thoughtful and well-managed way. If passed, the proposed Greenbelt Act would respond to this challenge.

As we moved further along the road to delivering on our greenbelt commitment, we wanted to be sure we got the draft legislation and the draft plan right. We consulted extensively during the fall and winter of 2004, while Bill 135 was continuing through the legislative process. This consultation, which had at least eight public meetings, provided a further opportunity for our government to ensure that the draft greenbelt plan would achieve the protection envisioned for the Golden Horseshoe area.

While we are clearly not here discussing the specifics of the draft greenbelt plan, I do want to emphasize that the overall plan was developed using a combination of technical, scientific and land use planning analysis. This science is well established and is regularly used for identifying prime agricultural lands and natural heritage systems in official plans.

I might at this time refer to the document called *Building a Greenbelt*, which is on our greenbelt Web site, that specifically speaks to the science used to determine the actual plan itself. I'm only doing so here, even though I realize full well that the legislation that is before you does not deal with the plan itself, because I know there's a quite an interest in this.

Specifically, I refer to item 4 in the posted document, which sets the tone and the framework as to how we determined the area that should be protected:

"The natural heritage system for the Golden Horseshoe greenbelt is based on an approach to natural heritage

management that has been both an accepted and evolving science for many years. This approach has been utilized in a number of jurisdictions including the United States and Canada. A 'natural heritage system' is a system made up of natural heritage features and areas linked by natural corridors necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

"This general approach was used in the development of the natural heritage system outlined in the Oak Ridges moraine conservation plan. Generally, the system involves the identification of major core areas in locations where there is a concentration of natural features, together with a series of linkages that provide connectivity between the cores and other areas.

"The natural heritage systems of the Oak Ridges moraine and the Niagara Escarpment, for the purposes of the greenbelt plan, remain the same as the systems defined" in those two plans, respectively. "A natural heritage system that supports and reinforces the systems in these two plans has been developed for the additional lands protected in the greenbelt or the protected countryside of the greenbelt plan area.

"The protected countryside of the greenbelt natural heritage plan consists of three parts: cores, linkages and river valley corridors."

Let me deal with the cores first.

"Sixteen natural core areas have been defined in the protected countryside. These areas are recognized for high concentrations of natural heritage features and functions. They have at least 50% of their land areas covered by natural features such as woodlands, wetlands, streams, valleys and/or they are at least 50% public lands.

"Minimum core sizes are 500 hectares in areas south of the Oak Ridges moraine, east of the Niagara Escarpment and in the Niagara Peninsula; and 1,000 hectares in areas north of the Oak Ridges moraine and west of the Niagara Escarpment.

"Linkages were identified to connect natural core areas inside and outside of the greenbelt plan. These linkages allow the movement of plants and animals between the cores and to natural cores located outside the Golden Horseshoe area. Linkage widths vary and have no set minimum. In locating linkages, attempts were made to include natural features as stepping stones between cores."

The river valley corridors "flowing south from the Oak Ridges moraine and north and east from the Niagara Escarpment, provide linkages between the greenbelt and Lake Ontario and protect wildlife habitats along shorelines. These valley corridors, where appropriate, link to the valley corridors identified in the Oak Ridges moraine conservation plan.

"The widths of river valley corridors are wide enough to protect water and riverbank habitats in the valley, as well as the linkage function of providing for the free movement of plants and animals."



"The task force also recommended that important water resource areas like the Iroquois shoreline be included, and that watersheds are the most meaningful way to manage resource planning.

"Accordingly, the draft plan area included the tops of the watersheds draining into Lake Ontario that were not already included within the Niagara Escarpment or Oak Ridges moraine conservation plans. It extended into Wellington and Dufferin counties to include the tops of the watersheds of the Credit River, Bronte Creek and the Sixteen Mile Creek. As well, the non-urbanized portion of the Lake Iroquois shoreline in Durham region was included because of its groundwater recharge and discharge functions, as well as the concentration of wetlands and woodlands associated with these functions."

1030

The second aspect that was used was that on top of this natural system approach, in which the Ministry of Natural Resources was primarily involved, we built the agricultural system, as far as the science of the development of the greenbelt is concerned.

"OMAF," the Ontario Ministry of Agriculture and Food, "has developed a guide that was revised in June 2002, to the land evaluation and area review system for agriculture as a tool for the identification of key agricultural areas. LEAR," as it's commonly known, "provides a structured methodology for incorporating subjective criteria that has been used by municipalities to identify agricultural areas for protection in their official plans.

"The LEAR system has two components: a land evaluation that assesses the land capability for agriculture based on the Canada Land Inventory, and an area review that assesses other important factors that affect agricultural activities such as parcel size and surrounding fragmentation.

"A scoring system and weighting is assigned to each LE and AR factor. Every land parcel is analyzed and given a score for each" of those factors. "A total score is calculated for every land parcel based on the weighed value for each factor.

"A LEAR analysis was conducted for lands within the Greenbelt study area and adjacent areas. The analysis focused on lands that were designated as agricultural or rural in municipal official plans. The process was conducted using geographic information systems. The factors for LE included CLI capability for agriculture, climate and the factors for AR included parcel size, fragmentation, infrastructure and economic activity."

That documentation is available on our Web site for anyone who wants to see the science that was used to determine what should and should not be protected.

During our consultations, more than 3,500 people attended meetings across the Golden Horseshoe, where ministry staff presented the draft map and outlined the draft plan. The more than 81,000 visits to the government greenbelt Web page, more than 1,000 written submissions and more than 2,000 electronic surveys sub-

mitted, further testify to the thoroughness of the consultation.

Personally, I have conducted another round of discussions with municipal representatives—both elected and planning officials—from each of the regions, local municipalities and the two cities involved. As a matter of fact, I still have a couple to go, but they are due to conclude sometime in early February. We have received a lot of encouragement and advice through these consultations, and we have listened. We have heard support for the advisory council and for the 10-year review. We've heard advice from the agricultural advisory committee that was set up.

As the process unfolds, there will be a number of areas, as a result of these consultations, where we will at the appropriate time be making amendments in order to strengthen the bill as we go along. For example, we want to introduce amendments that will clarify that there will be no net loss in the proposed greenbelt area in the event that some parts are taken out. We want to make sure that the greenbelt advisory council is not just a good idea; we want to make it mandatory within the legislation.

There are some technical clarifications: that minister's zoning orders can be made in the protected countryside area. We want to make sure that authority is provided to the Lieutenant Governor in Council to make transition regulations to deal with applications that were made prior to December 16, 2003. We want to provide for authority to describe additional matters that may not be required to conform to the greenbelt plan, and we want to make sure that technical clarification of the legal description of the link lands being transferred from the parkway belt west plan to the NEP is definitely included.

We hope that the process you and the committee members are going through over the next four days will lead to other amendments that will strengthen the act and the plan.

We recognize that there's an enormous interest in this, and it's understandable. This has been and continues to be a massive undertaking. It proposes protection for an area of land of about 1.8 million acres: close to the size of Algonquin Park, greater than the area of Prince Edward Island and about half the land area of Vermont. After all, it's about ensuring our quality of life: the trails to hike and parks to enjoy, fresh produce to eat, a secure food supply in an area where getting food across the borders from other countries cannot always be taken for granted. It's about fresh air and clean water, and it's about our health.

Forests, meadows and wetlands in the Golden Horseshoe help filter water. This water is absorbed by these natural features, filtered through the ground and deposited in the aquifers that provide clean, fresh water for about 7.5 million Ontarians.

The Ontario Medical Association estimates that over 1,900 deaths each year in Ontario are due to poor air quality. By preserving a hectare of trees, we can reduce the levels of carbon dioxide in the atmosphere by 350 tonnes.



Madam Chair, as you know, our proposed plan for greenbelt protection is complemented by Bill 136, the proposed Places to Grow Act, 2004. My colleague the Minister of Public Infrastructure Renewal introduced Bill 136 on the same day that I introduced Bill 135. This proposed legislation will allow the government to designate specific geographic regions across the province for the purpose of developing long-range growth plans. If passed, the first plan established would address population growth and economic expansion in the same general area of the greater Golden Horseshoe.

The discussion paper *Places to Grow: Better Choices, Brighter Future* outlines a vision and proposed strategies for where and how the Golden Horseshoe should be growing. This vision includes municipal and provincial decisions on such issues as urban development and land use planning, infrastructure and capital investment planning, housing, transportation, environmental protection and economic development.

As the economic engine of this province and this country, it's important that we address the growth challenges of the Golden Horseshoe area before other equally important parts of Ontario are considered. If passed, Bills 135 and 136 together will help us do this.

The proposed greenbelt plan would identify where growth can take place—I'm sorry, where growth cannot take place, but allows room for growth. It is our intent that a growth plan would indicate where and how that growth would take place. Together they would chart a course toward safeguarding the quality of life in the Golden Horseshoe.

Planning reform will also support this new direction. The recent enactment of the Strong Communities (Planning Amendment) Act, 2004, ensures that land use planning decisions shall be consistent with the provincial policy statement. The new proposed PPS would ensure that planning and development occurs in accordance with provincial interests.

There's no doubt that our government's goals are ambitious. We are planning beyond today and beyond our mandate. We want to ensure that as Ontario strengthens, grows, builds and develops, this growth will always be balanced with care and preservation of the green space. We want to ensure that as more and more people settle in central Ontario, there will be a simultaneous protection of our natural resources, watersheds, ecosystems and agricultural and rural lands.

Now is the time to create the framework for responsible planning. Greenbelt protection in the Golden Horseshoe will strike a fundamental balance between protecting our green spaces and meeting the needs of an expanding population and economy. Preserving our green spaces will mean stronger, healthier communities and a high quality of life for all of us, for our children and the children of future generations.

The Premier has stated that 50 or 100 years from now, no one will complain that the problem with that government at the beginning of the 21st century was that they protected too much green space. Rather, if the act is

passed, Ontarians years from now will look back and thank this government for having shown the leadership and for taking the opportunity while it still existed to preserve the green space we enjoy, to protect the air we breathe and the water we drink, and to make sure we can grow the food we need. Thank you very much.

**1040**

**The Chair:** Thank you, Minister Gerretsen. I understand some of your staff are here as well to give a technical briefing. Is that right?

**Hon. Mr. Gerretsen:** Yes. We have individuals here from the Ministry of Municipal Affairs and Housing and also from the Ministry of Natural Resources. If this is something you wanted to get into now, I would ask them—

**The Chair:** Could the members who are going to give us the technical briefing give their names for Hansard, please?

**Hon. Mr. Gerretsen:** I've just been advised that the technical briefing will be by Barb Konyi, who is the manager of the planning and development division; Carol Healy, senior planner with the planning and development division; and Irvin Shachter, who's the lawyer in the legal branch.

**Ms. Churley:** Madam Chair, before we begin with the technical briefing: Minister, now that you've given your comments, I wonder if you could provide a copy of those comments to the committee.

**Hon. Mr. Gerretsen:** I can provide you with a copy of them. They are rather scratched up, though, since I changed the language here and there. We could have that for you this afternoon.

**Ms. Churley:** I would appreciate it, because there are a few comments you made that I'm interested in that I wasn't able to write down fast enough. Thank you.

**Hon. Mr. Gerretsen:** We'll try to get that here this afternoon, or at the latest tomorrow morning.

**Ms. Churley:** That would be fine.

**The Chair:** Minister, would you be available here should there be questions after the technical briefing?

**Hon. Mr. Gerretsen:** Absolutely. I'm always available to this committee. I look forward to it.

**The Chair:** Great. Thank you very much.

**Ms. Barb Konyi:** Good morning. I'm Barbara Konyi. I'm the manager Minister Gerretsen introduced from the provincial planning and environmental services branch of the Ministry of Municipal Affairs and Housing. I'm going to take you through the technical briefing. I'm just going to ask everyone if you have your copy of the slide deck.

My presentation this morning will cover a brief history of the legislative process of the provincial greenbelt initiative, thereby setting the context for Bill 135, the subject of these standing committee hearings. The bulk of this presentation will cover the highlights of Bill 135.

We'll go on to the first slide—Minister Gerretsen did go over this, but I'll just reinforce it. You may recall that the Greenbelt Protection Act, Bill 27, was first introduced in the Legislature on December 16, 2003. After



second reading, the bill was referred to this same standing committee early last summer, and then the bill was referred back to the Legislature and received third reading and royal assent on June 24, 2004. The Greenbelt Protection Act, among other matters, defined a greenbelt study area and established a one-year moratorium on new urban development in rural and agricultural areas within that greenbelt study area. The bill had a sunset date of December 16, 2004, which was exactly one year from the date of introduction. The moratorium was retroactive to December 16, 2003, and the purpose of this moratorium was to allow a time out for the government to determine permanent greenbelt protection.

With respect to the moratorium, you may recall that the December 16, 2004, sunset date was extended to March 9, 2005, by the passage of Bill 157, the Greenbelt Protection Amendment Act, 2004. You may also recall that Minister Gerretsen had appointed a Greenbelt Task Force in February of last year to provide preliminary recommendations to the government on long-term greenbelt protection. Then the task force was asked to consult on these recommendations prior to giving the government their final recommendations and advice.

You may recall that the Greenbelt Task Force had carried out extensive consultations over this past summer—Minister Gerretsen described those consultations for you—and provided Minister Gerretsen with their recommendations for long-term green belt protection in August of last year. One of the main recommendations of this task force was that there be legislation put in place to establish the authority for the creation of a greenbelt plan.

On to the next slide—We'll deal with Bill 135 now, the proposed Greenbelt Act. It was given first reading, as the minister said, on October 28, 2004, and on that same day a draft greenbelt plan was released for public review and consultation by the government. You may also recall that government staff led a series of stakeholder workshops and public information sessions during November of last year across the Golden Horseshoe. Minister Gerretsen, in his remarks, described the full extent of the consultation on the draft greenbelt plan. Bill 135 was given second reading on December 8, 2004, and was referred to this standing committee for public hearings. That's why we're here today to begin that very process.

The next slide: The proposed legislation does cover a number of matters. My presentation will go over the highlights of the major components in the order in which they appear in the bill.

We'll start with the greenbelt area. Bill 135, if passed, would authorize the establishment of the greenbelt area by Lieutenant Governor in Council regulation. This is in section 2 of the bill. The greenbelt area, it's important to understand, is made up of three parts: the area covered by the Niagara Escarpment plan, the area covered by the Oak Ridges moraine conservation plan and the remaining areas, which are described as the protected countryside.

The next slide briefly describes the sections dealing with the greenbelt plan itself. Bill 135, if passed, would

authorize the establishment of the greenbelt plan by Lieutenant Governor in Council order. That's section 3 of the bill. Bill 135 states that the plan can be retroactive to a date no earlier than December 16, 2004, and, as per another Greenbelt Task Force recommendation, the Niagara Escarpment plan and the Oak Ridges moraine conservation plan would remain in effect. That's in section 4. Bill 135 also sets out the objectives and outlines what the greenbelt plan may contain. The minister outlined these objectives and content in his remarks this morning, and they are contained in the bill in sections 5 and 6.

The next slide briefly describes the sections of the bill dealing with conformity to the greenbelt plan. First of all, decisions made under the Planning Act, the Condominium Act and the Ontario Planning and Development Act would be required to conform to the greenbelt plan. That's in section 7 of the bill. The Oak Ridges moraine plan and the Niagara Escarpment plan would prevail in their areas of application. The proposed legislation is not intended to undo either of those provincial plans or their enabling legislation. That's in section 8 of the bill. Municipalities would be required to bring their official plans into conformity with the greenbelt plan at the time of their next official plan review as required under the Planning Act. That's typically your five-year cycle, where municipalities are required to review their official plans, and that provision comes from the Planning Act.

The next slide describes the 10-year-review process for the greenbelt plan. Bill 135, if passed, would require a 10-year review of the greenbelt plan. That's in section 10 of the bill. As the greenbelt area, again, will be made up of the areas of the Niagara Escarpment plan and the Oak Ridges moraine conservation plan, as well as the new areas called the protected countryside, Bill 135 directs that the reviews of the Oak Ridges moraine conservation plan and the Niagara Escarpment plan be carried out at the same time as the protected countryside portion of the greenbelt plan. So all of the plans will be reviewed at the exact same time in a 10-year time frame. The bill requires a mandatory public consultation process as part of this 10-year review.

The next slide deals with greenbelt plan amendments. Those are found in sections 11 to 14 of the bill. Only the Minister of Municipal Affairs and Housing could propose amendments to the protected countryside area of the greenbelt plan. This requires a full consultation process that is the same consultation process required for the 10-year review. The minister could appoint a hearing officer, if he so desires, to provide recommendations on the proposed amendment, and this also would include a full consultation process. Amendments to the protected countryside area of the greenbelt plan, however, would require approval of the Lieutenant Governor in Council. So the minister can initiate the amendments and conduct the full consultation, but the actual approval of amendments to the greenbelt plan rests with the Lieutenant Governor in Council. There is also a provision in the bill that no amendment could reduce the total area within the greenbelt plan.



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The next slide deals with the Greenbelt Advisory Council. Bill 135 provides that the Minister of Municipal Affairs and Housing could establish a Greenbelt Advisory Council, and that's in section 15 of the bill. The advisory council could provide advice on matters relating to the act or any other specified functions.

The next slide describes other matters; in this case, Bill 135 is ensuring that the Minister of Municipal Affairs and Housing retains his authority for certain matters that he has under the Planning Act as well as under the Oak Ridges Moraine Conservation Act. For example, the Minister of Municipal Affairs and Housing would retain his authority to make zoning orders under the Planning Act in the greenbelt plan areas and the protected countryside area of the greenbelt plan. He already has this authority in the Oak Ridges moraine through the same provisions in the Oak Ridges Moraine Conservation Act. The minister would also have the authority to stay matters before the Ontario Municipal Board and joint board in the protected countryside areas that were appealed or referred to those boards before or after December 16, 2004. The same authority for the minister is also contained in the Oak Ridges Moraine Conservation Act.

The next slide describes the Lieutenant Governor in Council regulation authority proposed in the bill. That's in section 22. This authority includes prescribing additional objectives and other policies for the greenbelt plan and harmonizing policies in the Niagara Escarpment plan and the Oak Ridges moraine conservation plan to facilitate the effective operation of the greenbelt plan.

The next slide describes the Minister of Municipal Affairs and Housing regulation authority proposed in the bill. That's in section 23. The main regulation-making authority includes requiring municipalities within the protected countryside area to pass tree cutting and site alteration bylaws, as well as having the ability to prescribe other matters identified in the act.

The next slide describes the transition provisions in the bill. Bill 135 provides that applications commenced prior to December 16, 2004, in the protected countryside area would not be required to conform to the greenbelt plan. The bill also provides that a regulation could be made to require decisions with respect to certain applications commenced before December 16, 2004, to conform to prescribed policies in the greenbelt plan.

The next slide describes, very generally, the proposed amendments to the Niagara Escarpment Planning and Development Act. They're contained in section 25 of the bill. Bill 135 would amend the Niagara Escarpment Planning and Development Act to remove the ability of a person to apply for amendments to the Niagara Escarpment plan for uses in specified designations. Bill 135 would also require the Minister of Natural Resources to carry out a review of the Niagara Escarpment plan at the same time as the greenbelt plan review. This is the complementary amendment to the Niagara Escarpment Planning and Development Act to match the requirement

for the 10-year review of the greenbelt plan that I described earlier in my presentation. Finally, Bill 135 would allow the transfer of certain lands from the parkway belt west plan to the Niagara Escarpment plan. This area is known locally as the link lands.

The next slide describes very generally the proposed amendments to the Oak Ridges Moraine Conservation Act and the Ontario Planning and Development Act.

Bill 135 would amend the Oak Ridges Moraine Conservation Act to require the review of the Oak Ridges moraine conservation plan at the same time as the greenbelt plan review. This too is a complementary amendment to the Oak Ridges Moraine Conservation Act to match the requirement for a 10-year review of the greenbelt plan that I described earlier.

With respect to the Ontario Planning and Development Act, Bill 135 would amend the act to allow the transfer of certain lands from the parkway belt west plan to the Niagara Escarpment plan. This is the complementary amendment to the Niagara Escarpment Planning and Development Act amendment that I described in my previous slide with respect to the link lands.

The Ontario Planning and Development Act is the enabling legislation for the preparation of provincial plans, including the parkway belt west plan, and that's why you go through that piece of legislation.

This last slide describes the last two main sections of the bill. Section 28 states that the proposed Greenbelt Act would come into force, or be deemed to come into force, on December 16, 2004, and section 29 states that the short title of the bill is the Greenbelt Act, 2004.

That concludes my presentation.

**The Chair:** Thank you. We have five minutes left for technical questions, otherwise we won't be able to stay on schedule. Does the official opposition have any technical questions?

**Mr. Hudak:** I'm sorry, Chair, five minutes per caucus?

**The Chair:** No, there are five minutes left before you would do your statement. We can either cut into your statement time or—

**Mr. Hudak:** Just a quick question to the minister. What's the scientific basis for stopping sprawl around Beaverton while leaving wide open sprawl to Barrie, where it's a real problem?

**Hon. Mr. Gerretsen:** Well, you'd be interested in knowing that what we've done in Simcoe county is enter into a—

**Mr. Hudak:** Is there a study, is there some justification for stopping sprawl in Beaverton?

**Hon. Mr. Gerretsen:** There is a study going on right now. We got together with Simcoe county politicians just before Christmas and had buy-in from them, generally speaking, whereby we're doing both a planning study with them in Simcoe county—

**Mr. Hudak:** But with respect, Minister, the map is drawn. You drew the map. You included Beaverton as a centre to stop sprawl, and you left out Barrie and have wide open sprawl north to Barrie. What was the science



that possessed you to stop sprawl around Beaverton but leave out Barrie altogether? How can you justify that, and what study informed that decision?

**Hon. Mr. Gerretsen:** What you fail to understand, Mr. Hudak, is quite simply this: We made a commitment to look at a greenbelt area in a certain part of Ontario during the election last year. We wanted to make sure there were good, sound, scientific reasons, both from a natural resources and an agricultural point of view, that those areas were included. It may very well be, once the Simcoe county study is done or once we've finished this process, that we will be looking at other areas as well to add to the greenbelt.

**Mr. Hudak:** This is the problem we in the opposition have, Minister: You just said the lines were drawn up in a Liberal campaign document. They're based on political science. The Liberal campaign decided where those boundaries would lie, not good environmental science. I defy you to tell me—please tell me which study said, "Protect sprawl around Beaverton, as opposed to sprawl to Barrie," and cite it so we can look at it. Clearly, Minister, you must admit that when you drew those boundaries of the greenbelt, purely political science, not environmental science, justified the Beaverton decision.

**Hon. Mr. Gerretsen:** I do not agree with you at all. The science within the greenbelt area that we've identified and the plan we're developing is based on the natural resource information that's available and the LEAR system in the agricultural system.

**The Chair:** Thank you, Mr. Hudak, I think you have an answer.

Mrs. Churley, you have an opportunity to ask a technical question.

**Ms. Churley:** Thank you. I will be saying more about this a little later, but there are many concerns about what has been left out, as well as what's left in there.

One of the issues I have grave concerns about, so to speak, is aggregate extraction and the fact that we're allowing even more and are strengthening it for the industry within the greenbelt itself. Especially after the Environmental Commissioner has proposed that there's already too much happening—there's more recycling and things going on—why are you allowing this to happen within the greenbelt itself?

**Hon. Mr. Gerretsen:** So far, we're not allowing anything. You're once again talking about the plan rather than the enabling legislation here.

**Ms. Churley:** Which you talked about at great length as well, so I think it's a legitimate question in the same context.

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**Hon. Mr. Gerretsen:** It's a very legitimate question. All I can tell you is that the policies we've developed within the plan itself are good, sound policies based on both good planning and designs that I referred to earlier. It may very well be that some amendments will be coming forward as a result of the process we've gone through. We have to deal with the reality of the situation: If there's going to be construction, either in a public way

or in a private way to deal with the three to four million we expect in this area, a certain amount of aggregate extraction is going to be necessary. That's the reality of the situation. You either take it from the places where the building and construction are going to take place or you haul it hundreds of miles further away, which may—

**Ms. Churley:** Or you recycle it.

**Hon. Mr. Gerretsen:** Absolutely. If we can recycle it, we would certainly encourage that in every way possible.

**Ms. Churley:** I will certainly be putting forward an amendment, among others, Minister. Are you saying that you would consider such an amendment?

**Hon. Mr. Gerretsen:** We will consider any amendment that will improve the legislation.

**Ms. Churley:** You did previously, on the Niagara Escarpment, and included some lands that were a result of my amendment. I'm hoping that will happen in these hearings as well.

**The Chair:** Thank you, Mrs. Churley. Thank you, Minister and ministry staff, for your briefing. We appreciate your appearing before the committee and giving a statement.

We've come to the point in our schedule now that we have time for the official opposition critic's statement. Mr. Hudak, you have 15 minutes.

**Mr. Hudak:** Thank you very much, Chair. Minister, I thank you and your staff for appearing before the committee today and for your outline of your plans with respect to the Bill 135 hearings.

Minister, as you've heard, and as I tried to make clear during my questions, probably everybody in this room supports the preservation of green space, supports the preservation of prime agricultural land and wants to ensure orderly growth. I think we all support those principles.

We have grave concerns with the growing and widespread mistakes that exist in this greenbelt plan. In fact, we're calling it the greenbotch plan. Maybe you've had a chance to look at [greenbotch.ca](http://greenbotch.ca), where we list our concerns. Every day we're getting e-mails from more and more individuals who are asking, "Upon what kind of science is this plan based?" The conclusion, clearly, is that this is based purely on political science.

With due respect, Minister, I don't think I got an answer with respect to why you think it's imperative to stop urban sprawl around Beaverton, stopping a Tim Hortons from being developed, while you allow wide open sprawl north to Barrie. Look at the map. An issue of concern that you've talked about, and that I think all in the House have talked about, is sprawl to Barrie, more congestion coming down the highways into Toronto. But, curiously, you left that out entirely and you're more concerned about sprawl in Beaverton. I suggest strongly that these boundaries—and I actually heard it from the minister a few moments ago—were devised by the Liberal Party of Ontario. Sure, based on solid political science, you won the election; you did your homework. But these boundaries are based on political science, and not good environmental science.



We'll be hearing from groups today—I think Environmental Defence is our first one—that make good points. For example, why was Boyd Park, a pristine environmental area, left out of your greenbelt plan? Some may suggest, "Well, it's in the finance minister's riding. Maybe he wielded some political influence to exclude that." Groups like Environmental Defence will argue that if it were truly a science-based approach, Boyd would be included. Pleasantview in Dundas is another, and Marcy's Woods in the Niagara Peninsula, one you've helped me with in the past. Why are these pristine environmental sites left out of the plan while in some areas land that probably will never be a viable farm operation is covered?

We also have concerns about why prime agricultural land has been left out of the greenbelt while you protect class 3 or class 4 land. We heard at one of the public open houses about a farmer along the QEW whose land had been impacted by years and years of road salt along the Queen Elizabeth Way, to a point where he could never farm that land viably. Your greenbotch plan says that has to stay in agriculture, while prime agricultural land in other parts of the province is left wide open for development. What is the science behind that?

Minister, I think I know—and we'll see what bears out from advice from committee guests. You rushed this plan out the gate to cover for a key broken promise on the Oak Ridges moraine. Dalton McGuinty said he was going to stop 6,000-plus homes on the Oak Ridges moraine. He made a solemn promise before the election, made a solemn promise after he had the keys to the Premier's office, and once in office, Dalton McGuinty broke that plan.

When you were before the estimates committee and I was questioning you about the Oak Ridges moraine land swap, after you broke your promise, you confessed that it was key operatives in the Premier's office who negotiated directly with landowners for that land swap. Clearly, I asked you if ministry staff were involved in that swap. The answer I received from ministry staff was, no, they had no role in determining which lands in Seaton would be exchanged for which lands in the Richmond Hill area. It's true, Minister. I can refer to the minutes later on, if you like. They said they had no role. Clearly it was a decision based on political science and political benefit rather than good environmental science.

No doubt you were racked by some 30-plus broken promises within your first year, and as a result you rushed out this greenbotch plan based on political opportunism and political science rather than good environmental science.

In fact, your parliamentary assistant, Mr. Duguid, said in the Legislature on November 17, 2004, in Hansard, "You know what? I don't give a damn whether it's real science or political science."

**Mr. Brad Duguid (Scarborough Centre):** Finish the sentence.

**Mr. Hudak:** You said that.

**Mr. Duguid:** Keep going. Finish the sentence.

**Mr. Hudak:** You argued with respect to the 60-metre setback, a key issue that we'll hear about in the committee today, I say to my colleagues—

**Mr. Duguid:** Finish the sentence.

**Mr. Hudak:** You said that you don't give a damn whether it's political science or real science, that it doesn't matter whether it's a 60-metre boundary—

**Mr. Duguid:** Keep going. Finish the sentence.

**The Chair:** Please stop the debate, Mr. Duguid. Allow him to continue.

**Mr. Hudak:** But you have to wonder about the mindset when your own parliamentary assistant says he didn't care if it was political science or real science. I think that's an insight into the way that the Liberals have approached this legislation.

We've brought forward a great number of concerns and look forward to doing more throughout these hearings. No doubt they'll number in the hundreds, I would expect, of problems with the mapping scheme: a lot of straight lines, Minister. I don't understand how Mother Nature can so conveniently draw straight lines down a boundary and say, "On the left-hand side of the straight line, you've got to protect that land, but when you cross the street on the right-hand side, it's wide open." That can't be based on science.

The Beverly marsh in Puslinch, an important wetland, is cut in half. The Liberal Party of Ontario has decided that the south part is worth protecting, but no such protections have been put into place for the north part. I can't for the life of me understand the environmental science behind cutting a wetland like that in half.

We have brought forward and continue to hear from farmers whose land has been cut in half, where one part is deemed to be worthy of protection and the other part not. Now, is there maybe some science behind that? We'd encourage you to bring it forward so we can actually see. I doubt it. I think it reflects the sloppiness of the exercise and the politics behind the exercise, where you cut marshes in half and you cut farmland in half.

I think the OFA will be making a very strong case later today, which we support fully: If you want to save the farm, you need to save the farmer. You can't just sit at Queen's Park with a green Magic Marker and say that you're going to colour this land agricultural forever. It doesn't work that way. You need an agricultural support plan for farm viability to ensure that farmers will continue to do what they've done for generations and farm that land.

In fact, Minister, you cited the Greenbelt Task Force, led by Mr. MacIsaac, the mayor of Burlington. We appreciate the work they've done. I have a grave concern that three of their major recommendations are absolutely absent from the process. Maybe there's some lip service, some commitments that you'll follow through, but I am actually appalled that we're sitting here today and you're asking us to consider the bill, and likely then asking us to pass it come February, with major areas omitted from your approach.



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Your own panel called for an agricultural support plan to support farm viability. I suspect that almost every group that will come before this committee will say you need that plan. We are sitting here today, as these hearings begin, with no plan. I wonder where the Minister of Agriculture is on this. He is absent. He has gone AWOL on this. We should have that plan as this moves forward.

Minister, your committee also asked for a growth strategy. They said that this legislation should not proceed unless it went hand in hand with a growth plan.

You actually misspoke and corrected yourself. You said that this legislation tells you where you can grow, and then you corrected yourself and said that it tells you where you cannot, but that underlined that that solution of where the future growth is going to occur is a missing piece.

Sure, you introduced the bills at the same time, but since then, I don't think Bill 136 has been called. We have no indication of what that growth plan is going to be. We've heard, "Be patient. It'll come forward sometime." But I think taxpayers, farmers and those who are concerned about future growth in the province are rapidly running out of patience with where that plan is going to be.

Your panel also spoke about the importance of having an appellate tribunal. That's lacking in your approach to date. I think there is a fundamental issue of fairness. Given that so many mistakes and widespread concerns have come forward with the greenbotch scheme, I think people should have an opportunity to appeal. I mentioned some things that were left out—some appeal of how those things could be brought in for protection. There are other citizens who will bring forward matters of why they believe, based on science, that their property should not be included. The appellate tribunal, championed by your very own committee to potentially review things like boundaries and designations—absent. In fact, with respect, the only route of appeal for people today is through the minister himself. I don't think that's fair. I don't think that's appropriate.

Skeptics could say, "If you talked to the right minister or MPP or went to the right fundraiser, maybe you'd get a right of appeal." I'd certainly feel much more comfortable if there was a science-based appeal mechanism of fairness so that people could go before individuals of expertise, a step away from government, and make their case on boundaries or designations. I don't have faith that it should be politicians, particularly ministers, making those decisions, given the weight of problems already identified with the lack of science behind this initiative.

You cite the Oak Ridges moraine plan. I was proud to be part of the government that brought that forward, with support—and we thank them—from the then opposition and the then third party; a different history. As you well know, the Oak Ridges moraine plan was based on the physiographic characteristics of that area and was based on over a decade of research—a consensus base as well, forged by David Crombie with a very diverse panel of

environmentalists, municipal leaders and those in the building sector. They actually sat down and walked through the science-informed, I believe—correct me if I'm wrong, but there was a very broad-based consensus that it was science-based and that the right decisions were made.

*Interjection.*

**Mr. Hudak:** I don't see that consensus. I see an absolute lack of consensus that you got the science right, that you got the boundaries right or that individuals who come before this panel today are being treated fairly.

You're more interested in the quantitative side rather than the qualitative. In your remarks, you stressed a lot the one million acres, and you spoke about the importance of an amendment to make sure that the one million acres stays constant. The concern I have, and hopefully we'll hear it from others through the committee process, is that it's the type of land that's protected that's most important, not the million acres. If it was all high-quality and if it was all based on good environmental science, you wouldn't be having this argument from me. You're counting in landfills; you're counting in cemeteries.

There was great concern raised in the region of Niagara that your mapping exercise includes a cemetery and a landfill site for tender fruit production. Our farmers are very talented individuals, but I don't think they're going to be growing peaches in a cemetery. When you see examples like this come forward, it raises grave concern about the science and the sloppiness of the mapping exercise.

Also, in the Niagara region there's concern about the highway corridor as it exists, potential development through Highway 406, Highway 20, which have been designated, I believe, tender fruit land. I think Thorold has brought that forward and the region as well.

So it begs grave doubt about the accuracy of the planning boundaries: a huge difference between the ORM's birth based on consensus, based on years of science, versus more arbitrary, politically motivated decision-making by the government of today and born out of a broken campaign promise—to try to cover up that promise and turn the page.

We've spoken about four fatal flaws in the legislation. I've covered a number of those, but just to restate, if you truly want to save the farm, save the farmer. Bring forward a real, thoughtful and provincially supported agricultural viability strategy. Look at initiatives like marketing, look at initiatives like good research, doing more for the Ontario grape and wine industry through the LCBO and these other initiatives. While you do have the Vancilief and Bedgood report, it has sat on the minister's desk for months. No wonder the agricultural community across the province is outraged and engaging in tactics like blocking the highway.

Minister, will you kindly move forward with a recommendation of your own panel and bring forward an agriculture viability strategy?

Secondly, greenbelt municipalities—

**The Chair:** Mr. Hudak, could I interrupt you. You have 30 seconds left. If you could summarize, please.



**Mr. Hudak:** Thank you, Chair.

Greenbelt municipalities, many boxed in with no hope for future growth: The province is deeming that there should be provincial assistance for those municipalities.

Third, let's make it a public process. Put the science on the table. Even consider a peer review, which I think we'll hear from groups today.

Fourth, we need that infrastructure strategy to go hand in hand. Where is the growth going to be to complement the areas where you're stopping growth?

**The Chair:** Thank you, Mr. Hudak.

**Hon. Mr. Gerretsen:** Madam Chair, is there an opportunity to respond to some of these allegations?

**The Chair:** You're actually not scheduled, not any more.

**Hon. Mr. Gerretsen:** That's too bad. There's something wrong with our process.

**The Chair:** Mrs. Churley, you have 15 minutes for your opportunity as critic.

**Hon. Mr. Gerretsen:** Maybe the opposition should go first so the minister can respond to the issues that are raised by them.

**The Chair:** I'll take that under advisement.

**Ms. Churley:** You're cutting into my time, Minister. My time begins now. On a minor note, it's "Ms.," by the way.

I just wanted to start by saying that when the Tories first started opposing this in the Legislature, I thought the NDP and the Tories were very far apart in where we stood. I felt from their comments that the Conservative Party wanted to pave more, while the NDP wanted to save more. It's very interesting listening to the comments by Mr. Hudak today, because from what he is saying it appears as though we've come closer together in terms—not in all aspects. Believe me, I do not want these hearings—we really do need to get on with this and get it passed and get the Places to Grow Act and some of the other legislation that has to be part of this passed. I'm very concerned that we're moving forward with this without the other pieces in place.

To my surprise, I seem to be hearing, probably with some very important exceptions, that Mr. Hudak is bringing up some of the very concerns that New Democrats have been bringing up from day one. Minister, you know that we were supportive of the greenbelt and still are, and we still do want to get on with it. But we have pointed out time and time again that without significant improvements, the greenbelt could actually, ironically, really mean more urban sprawl, not less.

I'm going to point this out in a positive way. I'm going to talk about the things we absolutely need to see in the greenbelt. I think Mr. Hudak did a really good job on the political side. I have to say, as an aside, that I believe it's true that because of the broken promise on stopping the 6,000 new houses might have been a motivation for moving forward with the greenbelt. To me, that doesn't matter. The fact that you broke the promise matters, and it's too bad those 6,000 houses are going to be built. If that's why we have a greenbelt

before us to debate today, that's a good thing. But there are really troubling provisions and omissions that undermine its ability to curb sprawl and will perhaps make this but exactly just that, a greenbelt, not a mechanism to do what you say you want the act to do; that is, prevent urban sprawl. As it stands right now, it's not going to do that. It's not just me saying that in opposition, Minister, as you know. There are others you will hear from today who will tell you the same thing.

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Mr. Hudak and you will hear time and time again the issues around Boyd Park, and that is one very good example, whether it's political science or not. The fact is, there's something weird going on there, the way that's cut in half, and it's just totally unacceptable within this greenbelt plan. That has to be fixed.

The greenbelt needs to include new lands to the south and north of its present proposed boundaries to be effective in curbing urban sprawl. Let me tell you why. Some 146,000 hectares lie between the greenbelt's proposed southern boundary and the current edge of urban development. You're very well aware that of these 146,000 hectares, 68,000 hectares are already designated urban expansion lands within existing urban boundaries; 68,000 hectares are left lying both outside designated urban expansion areas and outside the southern greenbelt boundary. This is completely unacceptable and unworkable, given that the government states that the greenbelt is the "cornerstone of Ontario's proposed Golden Horseshoe greenbelt growth plan." It negates that completely, if this is not included within the greenbelt.

As I said, there are others saying this as well. For instance, the highly regarded Neptis Foundation made this point quite forcefully in their recently released commentary on the greenbelt. I'm going to quote the Neptis researchers: "Although the greenbelt would prohibit urban expansion within its own boundaries, it would not generally serve as an effective regional growth management plan, at least not for several decades. The claim in the [greenbelt] plan that the greenbelt will serve as the 'cornerstone' of a new regional growth plan is overstated." That's from the Neptis Foundation.

To remedy this really glaring and very problematic omission of lands, what you need to do is expand the greenbelt to the south, or existing urban centres in the greater Golden Horseshoe will continue to sprawl—there's absolutely no question about that—on to unprotected prime farmland and eat up ecologically significant features, as they are at present.

I come back—and this is highly important, highly significant—to the area known as south Simcoe county, north of the greenbelt and reaching up to Lake Simcoe, which absolutely has to be included in the greenbelt in order to stop leapfrog development—which we all know about, and I won't go into the details of what that means; it's pretty self-explanatory—over the greenbelt.

Lands have already been assembled in this area and plans prepared for two very large developments. One development proposes a population of 50,000 people, and



a second an estimated population of 114,000 in the Bradford-Bond Head area. That's already in the works.

The Greenbelt Act needs to be amended so that there is no further development of aggregates within the protected countryside area and the natural heritage system in the greenbelt area. Aggregates are the number two, and major, concern. I want to tell you why this is so important. Aggregate extraction is just not consistent with the natural heritage and source water protection goals underlying the establishment of the greenbelt. It goes contrary to both of those. The greenbelt is a significant supplier of aggregates to the GTA; you've already mentioned that. Despite minor restrictions on aggregate extraction in some of the natural heritage features within the greenbelt, at the same time the government is proposing to amend the provincial policy statement relating to aggregates to make the siting and licensing of aggregate operations easier. I don't know if you're aware of that, but I think I pointed it out in the Legislature in the form of a question. There's a big contradiction there. This would apply in the greenbelt as well as out. I will be introducing amendments to ensure that the greenbelt does not simply become, as I put it, a gravel belt, providing aggregates to the GTA market. So we could go from having a greenbelt here to a gravel belt. I'm sure, Minister, that you don't want your greenbelt ending up being a gravel belt.

Let me refer to the Environmental Commissioner here, because he's raised this issue on several occasions. I'm quoting him: "Do we need more 'green field' quarries in ecologically sensitive locations such as the Niagara Escarpment or the Oak Ridges moraine?" He goes on to state, "Moreover, in order to reduce the demand for 'virgin aggregate,' shouldn't Ontario become a leader in the reuse and recycling of materials in road construction? ... Estimates suggest that only 3% of Ontario's aggregate consumption is supplied by non-virgin materials."

Minister, if you look at the European example, for instance, they're far, far ahead of us and we are so far behind, and obviously this is the direction we should be going: recycling more aggregate and finding substitutes, which again has been successfully done, to reduce consumption, instead of giving the aggregate industry virtually free rein within the greenbelt area, which is what you're doing.

Another concern and point: In order to curtail development leapfrogging the greenbelt and further sprawl, there should be no new highways that go into the greenbelt area and no new or expanded Great Lakes-based water and sewer systems within the protected countryside. I'm talking about the big pipe, which I've raised many times. It's contrary to this act.

As for the highways that have been proposed, let me tell you the reasons why this goes contrary to your greenbelt legislation as well. It gives easier access to areas beyond the greenbelt and that will only further—if you build it, they will come—the established pressures for urban sprawl and serve to frustrate the intensification of development on lands within existing urban bound-

daries, when you have those new highways and highway expansions. We should be focusing much more, again, on the built-up areas and on public transportation within those.

A recent study by the Ontario College of Family Physicians points to—and this is very recent—urban sprawl contributing to increasing traffic fatalities and air pollution as a factor in the rising incidence of respiratory and heart disease. There's more and more evidence of this now. According to them, people in car-dependent neighbourhoods walk less, weigh more, have higher blood pressure and more incidence of diabetes and heart disease, and are more likely to suffer from—Minister, do you think I'm describing you or something?

**Hon. Mr. Gerretsen:** Let's not get personal about this.

*Laughter.*

**Ms. Churley:** Well, you're having a good laugh over this.

It's actually very serious. There's a tendency for us to all joke a little bit about that, and I do too, as we sit in our cars driving for hours every day, but these doctors see it as a very, very serious health problem, which we have to consider. Those links between urban sprawl and human health make it imperative that the Liberals commit scarce government funds to public transit, far more GO transit and transit within our urban areas, and incentives aimed at urban intensification, and not to new highways or Great Lakes-based water and sewer systems through the proposed greenbelt area.

I will, of course, be making amendments—and we'll be asking the government and the official opposition to support those—fixing the greenbelt boundaries to prevent leapfrog developments, banning major highways and other large-scale infrastructure on the greenbelt, and stopping new aggregate operations and the expansion of existing aggregate operations within the greenbelt.

The other thing I'd like to state briefly is that we need to see more farm aid—absolutely. With or without the greenbelt, as you know, this is critical. Our farmers, particularly the small farms, have been under many, many pressures for some time. Nobody can argue that all about the necessary legislation that's been brought forward because of the tragic incident in Walkerton—some of this legislation has come out of that. It was a big wake-up call. Nutrient management, source protection, safe drinking water and many of the acts that you're working on are absolutely critical, but nobody can deny that most of this legislation has a huge impact on top of the pressures that farmers are already dealing with. This legislation does impact them in many ways.

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Hand in hand, we do need to see much more aggressive—in fact we're seeing very little—farm aid packages, all the way from "buy in Ontario" to bringing back a New Democratic tender fruit program that we had in place; all those kinds of things, like source protection and safe drinking water. New Democrats had a small but very effective program called CURB, Clean Up Rural



Beaches, that was taken away by the Tories, as was the tender fruit program and many more that need to be brought in.

If we could look at bringing back some of those programs that we brought in when we were in government, that were taken away by the Tories—I think it's incumbent upon your government to take a good look at the kinds of programs that were in place and had been taken away, as well as bringing in, working with the agricultural community, more programs to help them stay viable. Obviously we all support making sure that we preserve our prime agricultural land. But the reality is, if we don't have these programs in place, then it's pretty hard to protect it. A lot of farmers say that they can no longer afford to farm, particularly the smaller ones.

Those are some of the things that we will be talking about and bringing forward amendments on. I'm hoping very much, Minister, that as you listened to a couple of my amendments in the previous go-round on the greenbelt, and in particular to recommendations I put forward in a private member's bill—

**The Chair:** Ms. Churley, could you summarize, please?

**Ms. Churley:** Yes, I can. You followed up on increasing the protection of the Niagara Escarpment, and expanding the greenbelt to include areas like the Duffins-Rouge Agricultural Preserve. Now there are many other areas that you need to include to make this truly a greenbelt that will preserve into the future farmland and environmentally sensitive land. Without those amendments, you'll have some green space preserved, and nobody can argue that that would be a good thing, but the reality is that you will not reach your stated objective, and that is to curb urban sprawl. Thank you for this opportunity.

**The Chair:** Thank you, Minister, for appearing, and your staff for their technical briefing. This brings to a close that portion of the meeting, and we're at the public portion. I appreciate your attendance today.

**Hon. Mr. Gerretsen:** Thank you very much. I wish you well in your deliberations. It really is too bad that I don't have an opportunity to respond to some of these issues, but I'm sure I will in due course.

**The Chair:** Very well. Thank you very much.

#### ONTARIO GREENBELT ALLIANCE

**The Chair:** Our first speaker will be from Environmental Defence Canada. Mr. Smith, welcome. Could I ask that you and the gentleman accompanying you identify yourselves for Hansard, please, and the group that you represent? Then you will have 15 minutes to do your presentation.

**Mr. Rick Smith:** Thank you very much, Madam Chair, and good morning. My name is Rick Smith. I'm executive director of Environmental Defence. With me is Mr. David Donnelly, legal counsel for Environmental Defence.

Thank you for the opportunity to speak with you this morning. Certainly, like many of you here, I'm pleased

that we're getting to the end of the moment of truth for this important decision. By my count, this is something like round five for greenbelt public hearings, if you add together committee hearings, open meetings around the province and task force consultations, and I'm not even including Mr. Hudak's latest provincial tour in that count.

It's our pleasure today to be presenting on behalf of the Ontario Greenbelt Alliance. I'm pleased to tell you that the alliance now unites more than 70 organizations in a common greenbelt vision. Our membership is very diverse, from the Ontario College of Family Physicians and the Registered Nurses Association of Ontario, to Greenpeace and the David Suzuki Foundation, to the Canadian Organic Growers and the Green Tourism Association, to local community ratepayer groups like the Friends of Boyd Park and Oakville Green Conservation Association. We are here to speak with one voice to say that we support a world-class greenbelt, because it's crucial to the future health and well-being of our province.

I want to start today by quoting one of the province's most eminent advocates for green space protection and smart growth. A few years ago, this astute Ontarian said, "I'm sure that all members of the Legislature, and especially those from the central Ontario region and constituencies along the Niagara Escarpment, recognize the vital necessity of checking urban sprawl, of preserving community identity and of ensuring that there will always be sufficient green space among the grey." Now, the speaker wasn't Dalton McGuinty. It wasn't John Gerretsen. The year was 1974, and the speaker was former Premier Bill Davis. What was true in 1974 for the Niagara Escarpment is true 30 years later for the greenbelt. I could quote you similarly eloquent speeches by other Conservative, Liberal and New Democrat Premiers. The point here is that the protection of green space in Ontario has always been guided by a non-partisan spirit.

The alliance congratulates this provincial government on its commitment to establish a greenbelt that protects at least two million acres of land, including the entire existing Niagara Escarpment and Oak Ridges moraine areas. We support the general intent of the proposed Greenbelt Act and plan, and we believe that it does build on the legacy of previous governments' protection initiatives.

Our alliance believes, however, that serious deficiencies in the current proposal need to be addressed in order for the greenbelt to be truly effective. We have appended detailed recommendations for changes to the Greenbelt Act and plan to the submission you have in front of you, but I wanted to spend just a few moments today to highlight a few of our more serious concerns.

First, the proposed greenbelt is not large enough. The Neptis Foundation has calculated that the greenbelt excludes over 50% of the threatened green lands in the Toronto metropolitan area. Irreplaceable and threatened habitat hot spots, such as Boyd Park in Vaughan, the north Leslie lands in Richmond Hill and Castle Glen near Collingwood, just to name a few examples, must be included in this greenbelt. Unless it is expanded to include the entire greater Toronto commuting area by being



extended to Waterloo region, Wellington county, south Simcoe county and western Northumberland county, the greenbelt will be the cause of damaging, ill-planned leapfrog development. South Simcoe in particular right now, as members may know, is frankly the Wild West of ill-planned development. Unless it is reined in, the Lake Simcoe watershed will be irreparably damaged. In addition to these areas, if the greenbelt is to truly assist in controlling urban sprawl, it must be expanded to include the 146,000 hectares of land between the current urban development boundary and the belt's proposed southern boundary. This area contains some of the richest agricultural land in the province, and it is under intense development pressure.

Our second concern is that major new infrastructure projects should not be permitted in sensitive areas of greenbelt. There's no point in creating a greenbelt if you allow it immediately to be criss-crossed by new highways and hydro corridors. The act and the plan's proposed treatment of infrastructure is flawed. The Ministry of Transportation continues to seem primarily interested only in the highway construction portion of its mandate, and this must be changed. Major infrastructure projects, particularly new highways and highway extensions, have the potential to threaten and fragment the greenbelt, and these types of projects quite simply do not support the government's commitment to contain urban sprawl.

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Our third concern deals with mineral aggregates. Mineral aggregate operations should not be permitted in key natural heritage and hydrologic features of the greenbelt. Again, there's no point in creating a greenbelt if you then allow it to be pockmarked by new gravel pits and quarries.

Our fourth concern is that the greenbelt must strengthen, not impair, other important concurrent government initiatives. As one example, the greenbelt plan's proposed 60-metre buffer along streams and tributaries is completely inadequate for the purposes of source water protection and must be increased to 100 metres at a minimum. A buffer of 60 metres will be hard pressed to serve as a functional wildlife corridor. If the idea is that deer and other wildlife are going to find these corridors to migrate through, well, if you're a deer, you're pretty hard pressed to find a 60-metre corridor in the middle of sprawling development in Richmond Hill. Sixty metres will certainly not protect tributaries from contaminated runoff, and as such, it fails to respond to the lessons learned from the Walkerton tragedy.

In terms of greenbelt implementation, the proposed conformity time frame is too long. Municipalities should be required to bring official plans into conformity within two years. In addition, the transition provisions of the act and plan need to be re-examined. Decisions on applications made before December 16, 2004, should be made on the basis of the rules in place at the time of the final decision made on the application.

Further, a greenbelt-specific appellate tribunal should be established, as per the recommendations made by the Greenbelt Task Force.

Finally—and this is a monetary item, and I think it will be a statement of the obvious—the greenbelt will be a failure unless the government allocates a budget adequate to ensure its effective launch and implementation. Given the large land mass, complicated management issues involved and urgent need for land acquisition for habitat restoration, the alliance believes that \$100 million is a minimum budget to ensure the greenbelt's success.

That's a quick overview of our major concerns. We believe this greenbelt proposal needs to be made stronger, and I think it bears mentioning that the extent of the public appetite in our province for a strong greenbelt is difficult to overstate. In a province-wide poll conducted for our organization, Environmental Defence, between November 12 and 17 last year, over 80% of Ontarians indicated that they support the greenbelt concept. Only 7% of Ontarians oppose this plan. Over one third of respondents believe that the currently proposed greenbelt is too small. Significantly, almost 70% of those polled think that the next generation will see the greenbelt as a benefit.

I want to turn to science for a second, and I have to say that this delights me as professional zoologist. There's been a lot of talk about greenbelt science lately, about the extent to which the boundaries of the greenbelt can be scientifically justified. The answer to this is quite simple, and again, I say this as a professional zoologist. Scientific and medical evidence point overwhelmingly to the need for aggressive green space protection in the Golden Horseshoe in the interests of the environment and human health. If anything, therefore, the scientific consensus supports the case for a substantially larger greenbelt. It has already been mentioned this morning that a recent study by the Ontario College of Family Physicians noted that urban sprawl contributes to increased obesity, high blood pressure, diabetes and other ailments. The Ontario Medical Association has been warning about the deadly effects of air pollution for years. The prescription from the doctors, therefore, is that green space protection near our cities is critical for our health, critical to rein in urban sprawl and critical to mitigate air pollution.

On the environment side, a recent analysis conducted for Environmental Defence indicated that the critical habitat of fully one third of Ontario's endangered species is contained within the greenbelt area. Whether these species, things like monarch butterflies and other wonderful animals, continue to exist in our province will depend on the implementation of this greenbelt. So it's not an exaggeration to say that, arguably, this greenbelt could be the single most important decision ever taken to protect declining biodiversity in our province.

In terms of agriculture, the greenbelt is the last chance to ensure the future of farming in southern Ontario. Soil and climate analyses show that over 50% of Canada's class 1 farmland and fully 70% of Canada's tender fruit lands are found in Ontario. According to the Neptis Foundation, at the current rate, in excess of 1,000 square kilometres of rural land will be urbanized by 2031, almost double the size of the city of Toronto. About 92%



of this is classified as prime agricultural land. Quite simply, you can't farm pavement. This situation cries out for decisive and urgent action.

Given that the medical and scientific evidence so clearly points to the need for the largest greenbelt possible, I actually welcome the opportunity this morning to challenge those who have been highlighting the importance of the greenbelt being science-based to join our call for a better protected and larger greenbelt than that currently proposed. Tomorrow morning, we'll be releasing a widely supported open letter from Ontario's scientific and planning profession communities commenting on the scientific support for the greenbelt. I've brought advance copies of that open letter this morning, and I invite those of you who are interested in the science of the greenbelt to consider signing it.

In conclusion, for over 30 years, green space protection initiatives in Ontario such as those for the Niagara Escarpment, the Oak Ridges moraine and, most recently, the greenbelt have been the target of alarmist and erroneous accusations that they would result in increasing housing prices, adverse impacts for farmers and sundry other unpleasant things. I have sympathy for some of these concerns but, frankly, most of them are not fact-based. They have not been borne out in the past, and there is no evidence to indicate they will be today. In fact, available evidence on the agricultural side demonstrates that escarpment farmland values have disproportionately appreciated compared to other areas, and this positive experience is common to other jurisdictions in North America where similar agricultural protection schemes have been implemented: the Agricultural Land Commission in British Columbia, the Napa Valley in California. These farmland protection schemes have been important to maintaining agricultural viability. Of course, the government should be looking at other measures to enhance agricultural viability, but we would submit that this is an issue distinct from the greenbelt issue at hand.

Green space protection in Ontario has typically been supported by all sides in the Legislature in a positive and non-partisan spirit. One of the high-water marks of this legacy was the unanimous adoption of the Oak Ridges Moraine Conservation Act in 2001. The Ontario Greenbelt Alliance looks forward to all three political parties now carrying forward this legacy by rejecting the recent fearmongering being levelled at this greenbelt and instead embracing the hope that the greenbelt represents for a better future for our province. We think our children deserve nothing less.

Thank you very much. We'd be pleased to take your questions.

**The Chair:** You've taken all but a minute and 45 seconds, and Mrs. Munro has requested that time.

**Mrs. Julia Munro (York North):** Thank you very much for being here today.

On page 3, point 12 of your presentation, you refer to the Ontario College of Family Physicians, and they talk about urban sprawl. Within your organization or the community at large, is there a clear understanding of

exactly what we're talking about when we talk about urban sprawl?

**Mr. Smith:** I think so. I think, as the college has demonstrated with their study, it has actually been a fairly well studied phenomenon.

**Mrs. Munro:** Are we talking about a population density?

**Mr. Smith:** Well, certainly urban sprawl would connote development at a density that is not transit-friendly, that is not conducive to building the kinds of communities we would like.

If I might ask, Ms. Munro, I was delighted to hear the comments from Mr. Hudak earlier, and I'm wondering whether some of the points that we've made this morning with respect to expanding the greenbelt to south Simcoe and north Leslie to alleviate urban sprawl are something the Progressive Conservatives might support.

**The Chair:** Thank you, Mr. Smith. Your time has been exhausted. I appreciate your being delegated here today.

**Mr. Smith:** Oh, Madam Chair—

**The Chair:** I'm sorry, but the time is up. I'm trying to stick to the schedule.

**Mr. Hudak:** If there is all-member support, Chair, I would be pleased to respond to Mr. Smith.

**The Chair:** I think we're going to try to stick to our schedule.

**Mr. Hudak:** Fair enough.

**The Chair:** Thank you. And thank you, Mr. Smith. I appreciate you coming out for your delegation.

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## GREATER TORONTO HOME BUILDERS' ASSOCIATION

**The Chair:** Our next speaker will be from the Greater Toronto Home Builders' Association.

**Mr. Jim Murphy:** Good morning, Madam Chair.

**The Chair:** Good morning. Could you identify yourself for Hansard, please, before you begin. You have 15 minutes.

**Mr. Murphy:** Thank you very much. My name is Jim Murphy. I'm the director of government relations for the 1,300-member-company Greater Toronto Home Builders' Association, or GTHBA. With me this morning is Mr. Jeff Davies, who is a member of our government relations committee.

You should have in front of you packages that I hope the clerk has distributed, which include our speaking notes and our formal responses to both the Greenbelt Act, called *The Cart Before the Horse*, and to Minister Caplan's *Places to Grow* document, called *Getting It Right*. We've also included a slide package on a recent poll that we did last fall on attitudes of GTA residents to growth issues within the greater Toronto area, which I'll reference briefly. In the limited time provided us, I will begin with some general comments and Jeff will speak more specifically to the legislation.

First, let me say that GTHBA supports the protection of natural features or environmentally significant lands.



This was also our stated position during the discussions on the Oak Ridges moraine act in 2001. Our comment is that these protections should be based on real science and a transparent mapping process. One of our recommendations is for an independent peer review of the proposed greenbelt boundaries.

Second, GTHBA supports a role for the province in regional planning, particularly the important link between growth and infrastructure. Our concern is overregulation and duplication. In fact, as a result of this process, the GTA will be the only jurisdiction in North America where we'll have three levels of official plans: a lower-tier plan, a regional plan and now a provincial plan in the 905. We're also moving to a situation where we'll have two government ministries, the Ministry of Municipal Affairs and Housing and the Ministry of Public Infrastructure Renewal, involved in the land approval business. This will not assist with certainty. It will add to red tape and duplication. The province should be focusing on investments in infrastructure, which is the main goal as identified in our poll.

On this point, we also remain concerned that the province has not released its growth management plan, as referenced by Minister Gerretsen in his comments. The greenbelt tells our industry where not to build; the growth plan is supposed to tell our industry where we can build. We have been meeting with the Ministry of Public Infrastructure Renewal, but until we see the actual plan, which is still in draft form and which we understand may not be released until March, we have no idea as to whether there is enough land or there isn't, based on intensification targets. We truly believe it is still a matter of The Cart Before the Horse, as our document is entitled in response to the greenbelt plan.

Thirdly, and this references our poll, do not misread the value of GTA residents. As our poll showed, the vast majority of GTA residents prefer to live in at-grade housing in single-family homes. You'll see on page 29 of our slide deck that fully 66% of GTA residents want to live in single-family homes. Further, as shown on page 33, if people don't get that because of rising prices as a result of restricting land supply, they're going to move further out; 30% of all respondents to the poll will move further out. They'll go to Wellington county, Simcoe county, other places where they can afford to own. That will not assist in curtailing sprawl.

My last point is this: When you limit a commodity, whether it be gasoline or land, the price rises. It's Economics 101. Government reports reference greenbelts in Vancouver and London. The speakers before us just talked about Napa Valley. We all know that Vancouver is the most expensive city in Canada in which to own a home. London is one of the most expensive cities in the world, let alone Europe, to own a home. The Napa Valley: San Francisco is the most expensive city in the United States in which to own a home. Is that where we want to go?

We think the dream of home ownership for thousands of residents of the GTA should not be hindered by this

greenbelt. The legislation will dramatically affect affordability. Current homeowners, those of us who are fortunate enough to own our homes, will benefit. Their children—our children—current renters and new Canadians will not benefit, because they will not be able to afford to own.

Now I'd like to pass it to Jeff.

**Mr. Jeff Davies:** Madam Chair, if I could ask, how much time do we have left?

**The Chair:** Eleven minutes.

**Mr. Davies:** Thank you. Madam Chair and members of the committee, my name is Jeffrey Davies. I'm a member of the government relations committee of the GTHBA. I'm going to ask the committee to bring forward a series of amendments to Bill 135.

First of all, I'd like to ask that the bill be amended to require the government to release all background information and all justification for the boundaries and designations within the greenbelt. To date, these remain a total secret. We have no reason to understand the designations, other than very high-minded statements that have been issued so far. None of the studies has been released. We're asking that the act be amended to require the release of all of the background information that would show why a piece of land is in or out and why the designation is as it is.

We ask that the legislation be amended so that there is a right of appeal in favour of those who have been put into the greenbelt so they can have their day before a tribunal to determine whether in fact their land should be included in the greenbelt according to the principles of the greenbelt. And we ask that that appeal process be under the Statutory Powers Procedure Act and be a fair process.

We ask that the act be amended so that the objectives of the greenbelt are fully stated within Bill 135, and that the minister or the cabinet are not allowed to change the objectives of the greenbelt by regulation. We think they should be entirely in the act.

We think that the legislation needs to be amended to provide for a more comprehensive amendment process. There should be a five-year review based on the housing market impact and a five-year mandatory review based on the impacts on farm operations and viability. There should be provision in the bill to allow individuals to bring forward amendments to the greenbelt plan.

There are many aspects of the bill that we say are draconian. They may be legal, but they sure aren't right. We think that the bill should be amended to ensure that there is fairness for all.

In subsection 24(3) there's the provision that follows the grandfathering provisions yet says that the grandfathering can be clawed back by regulation or by the minister. We think that's a cruel provision that should not be in.

We think that subsections 18(1) and 18(2) should be amended so that the hearings that are before the Ontario Municipal Board stay before the Ontario Municipal Board and that the minister cannot interfere due to political pressure.



We would ask that the act be amended to reinstate rights that are normally applicable under the Statutory Powers Procedure Act, under the Expropriations Act and under the Courts of Justice Act so that this bill, which is designed to serve all Ontarians, can be carried by all Ontarians. The people who are in the greenbelt shouldn't think they're victims. The public shouldn't be wondering if somebody is in the greenbelt because of what they did or what they said opposite the government and that somebody is outside the greenbelt because they have friends in high places.

The whole thing really smacks of being done behind closed doors and requires very thorough amendments. We would ask that thorough amendments be made and that a further right be given to the public to address a further version of the bill, which we say is terribly flawed.

**Mr. Murphy:** I would just add, Madam Chair, that those amendments are included on the bottom of page 6 and the top of page 7 in our submission, which is called *The Cart Before the Horse*.

**Mr. Davies:** I have supplemented the points that are on pages 6 and 7.

**The Chair:** You have six minutes left for questioning, so I'm going to try two minutes per party, if people don't get too verbose. Ms. Churley, would you like to begin the questioning?

**Ms. Churley:** I just wanted to ask you a question around *Places to Grow*. You mentioned in section 4 on page 5 that you welcome that *Places to Grow* "foresees the need for urban boundary expansions." Obviously, there's a lot of legislation that is part and parcel of this. Have you had any consultations with the government yet? There are huge swaths of land that I'm complaining about that aren't included in the greenbelt. Are you looking at some of that land now that's been left outside, for instance?

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**Mr. Murphy:** Ms. Churley, you're absolutely right. We feel very strongly that the two are linked, that one will say, "Development or residential development cannot occur here," and the other plan is going to tell you where.

We have had some meetings with the Ministry of Public Infrastructure Renewal. We met with Minister Caplan last week. Our concern is that in the draft *Places to Grow* plan there is an intensification target. It's currently at 40%. Our view is that in the 905 municipalities in particular, that is a very high threshold. As you'll see in our polling, which I believe is on page 25, you'll even find that a majority of GTA residents really don't want development in their backyard. I'm sure, as a city of Toronto person, you understand the power of ratepayers.

**Ms. Churley:** My backyard is this big. I love it.

**Mr. Murphy:** So you do have one. You have great housing. Well, we want to make sure other people continue to be able to have that great housing, to be able to purchase it and not live in condos all the time, because there is a market for that, as you've said.

That's our concern, and Minister Caplan and his officials are working through that definition. Then the lands that you're talking about would be released, based on those municipalities putting into a place a plan that would meet that intensification target. We don't know at what level that intensification target will be applied. We don't know over what time frame. We don't know how it will be defined, in terms of population or units. All those sorts of issues are still out there. Yes, we have a total gross land area, but we don't know if it's enough or not because that will be netted out with some of the setbacks and other things based on this plan. So there's still a lot of uncertainty out there.

**The Chair:** Anybody from the government side?

**Mr. Duguid:** Mr. Murphy and Mr. Davies, thank you very much for joining us here today. From the outset, let me thank you for the leadership and work that you've done and continue to do in ensuring that our government and all governments are aware of the importance of the building sector to our economy.

I want to talk a little bit about your request for additional scientific evidence. I'm not sure that you've referred to our Web site, where there is a plethora of information. In fact, we've seen it printed out, the science based on the decisions that have been made with regard to the greenbelt, where there's paper about yea high—for those reading *Hansard*, about a foot and a half high of paper, of studies that have been done based on protecting environmentally sensitive and agricultural lands and allowing for the need for growth in our communities. These studies have been done through a combination of technical/scientific study and land use planning policy analysis to identify areas for permanent protection. This is the same type of system study that's been done through conservation authorities, municipalities, the development sector and through developing our zoning and planning policies, the same type of planning studies that have been done to establish the Niagara Escarpment plan, the Oak Ridges moraine conservation plan—studies that take into consideration things like natural systems, agricultural systems and appropriate levels of settlement areas. So there has been an incredible amount of study done on this already.

Specifically, my question to you would be, have you looked at the Web site to review the studies that have been done? If you haven't, I'd strongly suggest you take a look at it. If there are additional specific studies that you have in mind that are lacking, we'd be interested in knowing what they may be.

**Mr. Davies:** Thank you, Mr. Duguid. Our view is that we have looked at the Web site and we don't think that it goes far enough. We think there is a need for a bigger and fuller disclosure and a need to enable Ontarians to test those studies to the extent that they are specific—I don't think they're very specific at all; I think they're all very high level—to have an opportunity to see whether there is favouritism in who was excluded and whether or not there is a reason. There are some lines which jog in the most unpredictable, inexplicable way. We think that much more specific information needs to be disclosed.



Of course, Mr. Duguid, we appreciate your response. We always look at the material on the Web site, but we don't think it goes far enough. It's not specific enough. It's too high-minded and too generally principled to put on the ground.

**Mr. Murphy:** I might just add, Brad, that our understanding is that the ministry and the minister, in fact, are out meeting with the various municipalities to review the boundaries in those municipalities. I think that's a good thing. I think one other thing where perhaps the government benefits from a bit of further review of the legislation is in making sure those boundaries are accurate. There are lots of issues. I know there are ongoing discussions in York region and down in the Stoney Creek area about some of the earlier references to lands that are in perhaps not making much sense, and that perhaps there should be lands added that have been excluded for whatever reason. It's important to get it right, and I think it's important to take the time to get it right. Municipalities are in the best position to know that, in terms of what's going on in their municipalities and what's being covered by official plans.

**Mr. Duguid:** Is there time left?

**The Chair:** There are 30 seconds left.

**Mr. Duguid:** Just in response, there has been a lot of consultation with municipalities. In fact, our minister and our officials have met with just about every municipality through the greater Golden Horseshoe, certainly all that have expressed interest. We are working very closely. Getting those lines drawn is not what's before us today, of course, and it is a challenge. But we have consulted greatly and we continue to talk regarding those particular specific issues, and will continue to talk to them until we come forward with our plan. But I appreciate those comments.

**Mr. Davies:** Mr. Duguid, we have made requests of ministry staff—

**The Chair:** Can you make it a really short response, please.

**Mr. Davies:** A really short response. We have made efforts to meet with ministry staff to discuss specific pieces of land and have been told that that opportunity is not available. If there are negotiations, discussions, with municipalities, we think that's a two-way street. This is a multiple-stakeholder process, and we want to be involved on behalf of the home builders. There are many other stakeholders that want to be involved. We don't want to see those discussions going on behind closed doors.

**The Chair:** Thank you, gentlemen, for your delegation today. We appreciate your time. The time has expired; I'm sorry. We only had about three minutes to play with.

#### ONTARIO NATURE— FEDERATION OF ONTARIO NATURALISTS

**The Chair:** Our next delegation is from Ontario Nature—Federation of Ontario Naturalists. Welcome. Please introduce yourself and the organization that you

represent for Hansard. You will have 15 minutes once you start.

**Ms. Linda Pim:** Thank you, Madam Chair and members of the committee, for the opportunity to appear before you today. My name is Linda Pim. I am acting director of conservation and science for Ontario Nature.

Ontario Nature, founded in 1931, currently with over 25,000 members and over 135 member organizations, strongly supports the intent of this legislation. As drafted, the bill has very many positive features to protect natural areas and agricultural lands. This is a bold initiative to protect a large geographic area in the Golden Horseshoe. Protecting green space is vital in providing habitat for wildlife and in helping to improve air and water quality. We will focus here on some of our concerns about the bill in order to give this committee input on how the bill could and should, in our view, be amended. I should add that we are restricting our comments to the Greenbelt Act rather than the specifics of the greenbelt plan.

First is the need for permanency of the greenbelt, as promised by the government. This is perhaps the most contentious and problematic matter in the entire bill. The government has characterized the Golden Horseshoe greenbelt as "permanent" as recently as this morning by Minister Gerretsen; yet subsections 12(2) and 13(7), as drafted, would not achieve permanency. These sections simply state that there shall be no amendment to the greenbelt plan that reduces the total area of the greenbelt. The Ministry of Municipal Affairs and Housing has made it clear that the boundaries of the greenbelt may indeed shift over time. For example, lands at the so-called "inner" or more southerly boundary of the greenbelt that are the subject of more intense urban development pressure may be taken out of the greenbelt in exchange for lands elsewhere, likely at the "outer," more northerly and more westerly edges that experience less intense development pressure. The worst-case but entirely plausible scenario would be that the entire protected countryside portion of the greenbelt could in fact migrate northward and westward as urban boundaries are allowed to expand at the edges of existing urban-approved boundaries. Therefore, subsections 12(2) and 13(7) should be amended to provide that (a) no lands may be removed from the greenbelt, and (b) more lands may be added to the greenbelt. These amendments would fulfill the government's stated intent that the greenbelt be permanent.

#### 1210

Secondly, geographical extent of the greenbelt: It is Ontario Nature's position that bioregional planning that protects both natural areas and prime agricultural and specialty crop lands is essential across southern Ontario before any consideration is given to expanding the boundaries of cities and towns. Without green planning initiatives for all of southern Ontario, it is inevitable that there will be leapfrog urban development over protected lands onto less protected lands. For that reason, Ontario Nature has proposed a southern Ontario greenway strategy, which is attached to my submission as appendix A, that would achieve for all of southern Ontario what the gov-



ernment's Golden Horseshoe greenbelt seeks to achieve for this part of Ontario.

However, given that the geographical mandate of Bill 135 is the Golden Horseshoe, Ontario Nature proposes that the bill itself could be amended to lessen the tendency for urban sprawl and leapfrog development. It is clear that the specific metes and bounds delineation of greenbelt boundaries, or large-scale maps as regulatory schedules, will be in the regulation that accompanies the greenbelt plan. However, Ontario Nature has produced a map, which is attached as appendix B—and to make it easier for you to find it, it's the very last page of our submission—which shows, in red, the lands that the government has left out of the greenbelt and that should be included. I will be referring to a larger version of it here to make it a little easier; I hope you can all see that.

Bill 135 could be amended to give a general description of where these lands are located, with specific delineations left to regulation. These lands consist of three distinct areas: firstly, the individual parcels of land south of the Oak Ridges moraine, southeast of the Niagara Escarpment and south of Hamilton, all between the outer greenbelt edge and Lake Ontario. I should point out that this map is adapted from schedule 1 of the draft greenbelt plan. These lands, totalling approximately 173,000 acres, according to research by the Neptis Foundation—and these are all these individual parcels of land all along here—are not needed for urban expansion for well over 30 years, since Neptis has identified 178,000 acres of land within current urban-approved boundaries in the greater Toronto area and Hamilton that are not yet developed and that could accommodate expected urban growth for well over 30 years.

Secondly, land which we think should be included in an expanded Golden Horseshoe greenbelt is this area here, all of south Simcoe county, which is currently under intense threat by leapfrog development north of the Oak Ridges moraine.

Thirdly, lands over here, in Northumberland county, at the eastern end of the moraine to the Lake Ontario shoreline in the Port Hope area, should be included to protect watersheds there in the same way that the draft greenbelt plan seeks to protect water resources elsewhere.

Since the government has already, at first reading, shown its willingness to use Bill 135 to bring what are called the escarpment link lands in Hamilton and Burlington into the greenbelt through section 25 of the bill that amends the Niagara Escarpment Planning and Development Act, it can be argued that a similar, though not identical, process could be used to bring the above-mentioned lands into the greenbelt through a regulation pursuant to this bill.

Another key point is prevalence of the more environmentally protective plan in cases of conflict. Sections 4, 8, 20 and 22 of Bill 135 present a rather complex array of provisions for what happens when two or more land use plans in the greenbelt area conflict. While staff at the ministry have explained to us that the intent in these sections is to bring any less environmentally protective

plan up to the standard of the more environmentally protective plan, these sections do not necessarily read that way. In particular, clause 22(1)(c) allows the varying of any provision of the Oak Ridges moraine conservation plan or the Niagara Escarpment plan “in order to facilitate the effective operation of the greenbelt.” The foregoing language does not explicitly state that the bar be raised in favour of environmental protection. In fact, clause 22(1)(c) could be used to lower environmental protection.

There is a straightforward solution to this problem that is found in the government's own Bill 136, the draft Places to Grow Act, introduced for first reading on the same day, October 28, 2004, as Bill 135. Section 14(4) of Bill 136 states that “if there is a conflict between a direction in a growth plan and a direction in a plan or policy that is mentioned in subsection (5) with respect to a matter relating to the natural environment or human health, the direction that provides more protection to the natural environment or human health prevails.” Our position is that a similar primacy clause is needed in Bill 135.

Another matter of concern is the timing for bringing municipal official plans into conformity with the greenbelt plan. The effect of section 9 of Bill 135 is that if a municipality has not yet begun an official plan review or has just begun such a review, it has as long as five years to bring its OP into conformity with the greenbelt plan. Ontario Nature finds that an unacceptably long time period, especially when compared to the conformity timelines for municipalities of 12 to 18 months under the Oak Ridges moraine conservation plan. Our position is that section 9 should call for official plans to be in conformity with the greenbelt plan within two years of the approval of the greenbelt plan.

A final specific point relates to hearing officers for appeals. Bill 135 does not state with which board the hearing officers are affiliated. If the government is not prepared to establish a greenbelt-specific appellate tribunal, as recommended by its own Greenbelt Task Force in its final report of August 2004, then, since the greenbelt is primarily an environmental initiative, the Environmental Review Tribunal rather than the Ontario Municipal Board is the appropriate tribunal from which to draw hearing officers under sections 12 and 18.

In conclusion, then, Ontario Nature would like to reiterate its strong support for the general direction and intent of Bill 135 and hopes that it will be passed promptly, with several amendments, such as those outlined above, to improve it, some of which I wanted to highlight in the time available. Thank you very much.

**The Chair:** The official opposition has five minutes, if they can use it.

**Mr. Hudak:** Thank you very much to Ontario Nature for the presentation. I enjoyed a similar presentation here at Queen's Park slightly before Christmastime—certainly a consistent message that gels well with the comments from the opposition parties with respect to the arbitrary boundaries that the government has chosen to draw, whereas yours looks like it tries to bring in a bit more environmental science as opposed to political science.



You did mention in your brief, and in one you prepared in December, the appellate tribunal and the importance of the government following through on such a tribunal that the task force had recommended. Could you characterize how the tribunal will be made up and perhaps the functions that Ontario Nature would prefer to see?

**Ms. Pim:** As I mentioned in my comments, the task force did recommend a greenbelt-specific tribunal. The government has chosen not to include that in Bill 135. We would support a greenbelt-specific tribunal, and that would be our preference. However, if the government, as I said, is not prepared to do that, we would prefer that the tribunal the hearing officers will be affiliated with be the ERT, the Environmental Review Tribunal, rather than the OMB. The reason for that is that there has been a history of more environmental expertise brought in the members of the Environmental Review Tribunal—formerly the Environmental Assessment Board and Environmental Appeal Board—than has historically been the case at the Ontario Municipal Board, although things are improving at the Ontario Municipal Board.

So we would like to see a greenbelt-specific tribunal in addition to the other body the government has put in the bill, the Greenbelt Advisory Council, which we also support. As you have talked about a science base, we would like to see a strong science base to the knowledge and expertise of the hearing officers who are chosen to hear any appeals under the Greenbelt Act.

1220

**Mr. Hudak:** I had another quick question—I'm not sure my colleagues had one. In the legislation, as you had mentioned, municipalities are required to amend their official plans—you have some concern about the time frame there—to conform with the greenbelt and any growth plans. At the same time, legislation really exempts the province itself from conforming with a greenbelt plan. It gives extraordinary powers to the minister to make zoning orders exempt from compliance with the greenbelt plan, the growth plan or the provincial policy statement. In fact, I don't even think the PPS has to conform with the growth plan.

Isn't this a double standard? Why one set of rules for municipalities and other groups and a different set for the province?

**Ms. Pim:** I would like to see room for amendment to Bill 135 to ensure that there is, as the saying goes, a level playing field for conformity of municipal plans and any provincial initiatives with the greenbelt plan.

**The Chair:** We only have about a minute left. Ms. Churley, did you have any questions? You have about a minute and 45 seconds or so.

**Ms. Churley:** Thank you very much for your presentation. I have so many questions and so little time. Out of all your recommendations for amendments, are there some that you would highlight—I think they're all important—as absolutely critical in terms of the government achieving what it's saying it's going to achieve, and that is stopping urban sprawl?

**Ms. Pim:** As you say, it's hard to choose. Our Environmental Bill of Rights submission actually had a lot more amendments, but we just chose some, because of the time limit. I would have to say the need for permanency of the greenbelt. It was an election promise that the greenbelt be permanent. It was stated by the minister this morning. It has been stated in many other places—on government Web sites—that this was a permanent greenbelt, and yet this is not the way it's written. So I've explained that that, in our view, is very important.

Secondly, the geographic intent of the greenbelt: If you don't include south Simcoe, if you don't include what we call this choker of lands that is not needed for urban development, you're just encouraging urban sprawl. So if I had to pick two out of the dozens that we have, I would pick those two.

**The Chair:** Thank you for your delegation. We appreciate you coming out this morning to appear before us.

#### MUNICIPAL LEADERS FOR THE GREENBELT

**The Chair:** Our next delegation is Mr. Glenn De Baeremaeker. Have I said it right?

**Mr. Glenn De Baeremaeker:** Pretty close.

**The Chair:** Thank you for coming out. I believe you're from the municipality of Toronto.

**Mr. De Baeremaeker:** I am now an elected city official in former Councillor Duguid's seat. My name is Glenn De Baeremaeker. I am now a city of Toronto elected official. I also represent the Municipal Leaders for the Greenbelt, a coalition of 24 elected officials representing over a million people who have signed on to a position statement congratulating the government and urging the government to actually do a lot more than is on paper right now.

I would like to say that I would have brought our chipmunk along with us, that we've had for many years, but my understanding is that he's been kidnapped by the Ontario PC Party and forced into slave labour spreading misinformation on Internet sites. Without my trusty chipmunk at my side, I will do the best I can.

As an individual and on behalf of the 24 municipal leaders, including the mayor of Whitby, the mayor of Oshawa and leaders across the GTA, I would like to thank the government for taking this initiative. I want to remind you why we're all here, because you're getting a gazillion pieces of information, but I think you have to try to funnel it all. We're here in the public interest. This is why you ran for office, this is why you're sitting in these chairs and this is why you're going to pass this act: the public interest. And the public interest is best served by moving forward with your Greenbelt Act and, indeed, strengthening it as per our recommendations in our letter. I'm not going to go into each one, because I only have 10 minutes.

Let me just say that I will admit to you right now that every environmental group, every ratepayers' group, will



lose the battle against urban sprawl, against the UDI, the development industry, the home builders' association. The status quo now means urban sprawl forever. I can tell you this from 18 years on the front line, fighting developers, and I've never won. I've never won in 18 years, and I would like to say, without being too immodest, that I'm probably one of the most knowledgeable, one of the most active, one of the best urban guerrillas fighting urban sprawl that I know of, and do you know what, folks? I lose all the time.

The public policy put in place today means the person with the deepest pockets wins. The people who have the most money win. To give you one example, Save the Rouge went to one OMB hearing, and this is just one out of hundreds that are going on today in the province. We were given a \$1-million grant by the city of Toronto because they were not allowed to participate in the hearing. Our group consumed all that money and we were the smallest party at the OMB, with \$1 million in our pocket.

Can you name me one ratepayers' group or volunteer group or church group in your local area that could afford \$1 million to defend what they believe is in the public interest? It is impossible. Those with the deepest pockets win.

The system right now—for example, with the OMB, the developers have better lawyers than we have and better lawyers than you, and they certainly have better lawyers than local municipalities like Stouffville, Uxbridge, Oakville, Richmond Hill or the town of Markham. The developers have the best that money can buy. They have better lawyers than the municipalities/public. They have better planners, they have better biologists and they have better hydrologists.

When you get four planners in the room, do you know what you get? You get four different opinions. But the people with the money who can hire the most planners, the most hydrologists and the most biologists are the developers. In my experience, in my 18 years, they have beaten us every single time.

I'd like to focus your attention on why you need to have permanent greenbelt boundaries. You need to freeze the urban boundaries today and not allow them to expand for the next 30 years. There's a housing supply in existence today for 30 years, and that's without intensification—30 years without intensification. If we intensify, it goes up to 50 years, and if we were to—and I wouldn't support this—allow them to sprawl out on the land that you should have let go to the Oak Ridges moraine, you're looking at a 70-year supply of land without even touching the greenbelt. I would suggest to you that you need to freeze those urban boundaries now.

When you look at a town's official plan, whether that be Markham, Richmond Hill or Stouffville, they're imaginary. They're not real. The public policies we have in place to protect us, the members of the public, and to protect the environment do not really exist. They're a figment of somebody's imagination, it's like a colouring book, because any day of the week a developer can walk in and apply for an official plan amendment. Again, 90%

of the time they win because their resources can vastly outspend ours. So when you look at what's happening out there, if you look at an official plan and you see a green space or an open space on an official plan map, don't believe it. It's not true. It's a temporary, make-believe designation, meaning developers aren't paving it over today.

I'd like to talk about this quest for science. What is science? Dr. Reed Noss, whom we had up here, says that science has to be continent-wide. I believe the government has done a great job with their science. The science says that your greenbelt shouldn't be isolated as an island of green. This isn't rocket science. You should be connecting your greenbelt to Algonquin Park and to the Adirondack Park in the United States. If you have a GTA greenbelt on its own, it will become another island of green surrounded by asphalt. So I would encourage you, as per our recommendations, to expand the greenbelt by 800,000 acres.

I'd like to say too that I've seen science in the past. The Tories had science. The Tories' own scientists gave them science saying, "Don't build houses on this part of the Oak Ridges moraine." And do you know what they did? They gave the people who gave lots and lots of money to their campaigns the right to build houses on the Oak Ridges moraine. The people getting the right to build are the same people donating money to the Tory party. So do you know what? The Tories had their science and they ignored the science.

I'd like to ask you another question. Have you ever seen a wetland? I would think all of us have seen a wetland. You know the stupidity I have to put up with, with all these developers and the UDI? I have to fight over the definition of a wetland. I'll say, "Look, that's a wetland." The MNR scientists will say, "That's a wetland." Do you know what the developers say? "That's not a wetland; that's a puddle. It's just a puddle that kids will come and splash around in and then leave. It is not a wetland." So we're spending hundreds of thousands of dollars, millions of dollars of taxpayers' money, fighting over, "Is it a puddle or is it a wetland? Is it a stream or is it a ditch?" What's in the public interest? Obviously, it's to protect the environment, but the environment is not being protected because of the massive shift in resources.

#### 1230

I'd like to say again that we will lose this battle to stop urban sprawl. We had the Ontario College of Physicians and Surgeons come out a couple of weeks ago and actually describe urban sprawl as a disease, that we're getting fatter and less healthy because of the way we're structuring our cities. We will spend hundreds of millions of extra taxpayers' dollars, because when you sprawl out to Uxbridge, Stouffville and Markham, for example, do you know what residents say? "We need our own hospital, because I don't want to have a heart attack and have to travel 45 minutes to a hospital." We'll need new hospitals, new fire departments, new police stations and new schools. All this new infrastructure is bankrupting the province of Ontario and the municipalities because the



development fees and the taxes generated don't cover the development costs.

I've had 18 years' experience, and I've never met a single developer who has said to me, in a development application, "Do you know what, Mr. De Baeremaeker? My land on the Oak Ridges moraine is too sensitive to build on"—not one, not a single one. Isn't that strange? There must be some sensitive land out there that shouldn't be built on. But if you went down a list of every single developer in this province, you wouldn't find one who would say to you, "My concession block of 1,000 acres shouldn't be built on." We have to intervene on behalf of the public to protect the environment and to protect us from urban sprawl.

I would direct you to our submission. I think we have a lot of good input there. We congratulate the government on what it's doing. We've spent too, too long wasting time and allowing urban sprawl to go forward, and I would encourage you to act, and act now.

**The Chair:** Thank you. You've left two minutes for the government side.

**Mr. Duguid:** Councillor De Baeremaeker, we very much appreciate your coming here today. Thank you for your leadership on the Rouge, your local leadership in Highland Creek and for your input on this very important greenbelt.

I just want to ask you this question: It's been clear over recent days that the official opposition and John Tory are trying to back away from their original support for the greenbelt and water down the greenbelt. These things happen sometimes, when push comes to shove. Politicians like to talk a big game when it comes to environmental protection, but when it actually comes down to doing it, they tend to lose their backbone. I kind of get the feeling that that's what's happening here. Just by way of evidence, Mr. Hudak said in December, with respect to the greenbelt legislation, that he's quite supportive of it and he knows Mr. Tory is quite passionate about it. Maybe you have some insight into this. What do you think might have happened between Christmastime and now? Does it concern you that the official opposition would have flip-flopped on this very important issue?

**Mr. De Baeremaeker:** Yes. I would agree with you. I find it astounding that the people leading the charge now—again, to my amazement, developers are defending farmland. The biggest threat to farming and farmland is the development industry. They're the ones who pave it over. If you're 25 or 35 years old and you want to buy a farm, you'll be very happy that there's a greenbelt because, instead of having all these speculators outbidding you, you'll be able to get a reasonable price.

I think the PC Party is getting very bad advice, but it will benefit the government, I guess, because the Tories will lose more seats because of it; they'll lose more votes. Good luck to them. They're making their bed, and they're going to sleep in it. I can tell you, I'll be one of the people out there saying, "Don't vote for the Tories, because they betrayed us and sided with the development industry when it came to protecting greenbelt lands."

**The Chair:** Thank you, Mr. De Baeremaeker, for your delegation and your passion. We appreciate your coming out this morning.

#### URBAN DEVELOPMENT INSTITUTE/ONTARIO

**The Chair:** Our next delegation is the Urban Development Institute of Ontario. Good morning, and welcome. Thank you for coming. Would you please identify yourselves before you begin speaking. You have 15 minutes for your presentation.

**Mr. Neil Rodgers:** Thank you, Madam Chair. My name is Neil Rodgers. I am the president of the Urban Development Institute of Ontario. Joining me is Mr. Mark Tutton, the chair of the organization. We are pleased to present our views on Bill 135.

I will not go into detail as to the development and construction industry's contribution to the economy, because we have spoken to this committee on several occasions in the last several months, but it is fair to say that we are a significant contributor to this province's economic well-being, and that in turn does deliver crucial social services such as health care and education.

The UDI recognizes the government's intentions concerning the long-term protection of southern Ontario's significant natural heritage features, water and agricultural resources.

As an organization, we have long advocated that policy and land use planning documents must be clearly articulated. The UDI submits that the greenbelt plan is generally vague, with substantial mapping errors, a lack of demonstrable good science underpinning the plan and integration with Places to Grow, the growth management strategy for the greater Golden Horseshoe area. This leaves UDI very concerned as to the process employed by the ministry and the government in interpreting and incorporating the Greenbelt Task Force's recommendations, stakeholder comments and other stated provincial policy.

UDI believes that the greenbelt should be considered as one component of an overall coordinated strategy that is driven by the growth management plan. We feel strongly that the collective provincial strategy must be one that incorporates the vision and objectives of the greenbelt, while accommodating population and employment growth, along with the necessary infrastructure and transportation investments needed for a long-term period, preferably 30 years or greater. When the system operates in balance, the industry is able to respond to the dynamics of Ontario's industrial, commercial and residential consumers, while contributing to the protection of the natural environment and provision of lands for public open space. In our opinion, both green- and growth-based objectives can be achieved to the benefit of all.

UDI has considerable misgivings concerning the science that forms the basis of the plan and its policies. In order for the industry to support the plan, we must have confidence that it is grounded in good planning and based



on the best available science. As we believe that the plan, as currently proposed, is fundamentally flawed and the enabling bill fails to provide sufficient accountability, transparency and natural justice, we cannot support the bill and the plan until such time as our concerns are addressed.

For such a significant proposal, with such far-reaching implications, UDI submits that there is a disturbing lack of transparency of the scientific justification of the plan's boundaries and the method in how the plan was prepared, a process that our membership finds troublesome. This, in addition to the lack of opportunity afforded to stakeholders to evaluate the ministry's criteria or conduct a review of the ministry's assessment of appropriate boundaries, is disconcerting.

Collectively these matters demonstrate, in our respectful opinion, the antithesis of a government that purports to embody the principles of fairness, transparency and accountability. It is difficult, if not impossible, to comment on the greenbelt boundary without knowing the criteria upon which the boundaries were delineated. Needless to say, our members would be severely criticized and their proposals rejected or declared premature if they were to produce mapping in support of a development application that lacked basic supporting justification and information.

As a result of the inaccuracies, inconsistencies and lack of justification, we have no confidence in the alleged criteria used to establish the mapping to delineate the greenbelt and natural heritage system boundaries. We request immediate disclosure from the province on boundary delineation and the criteria employed and a process thereafter that promotes rigorous dialogue. Municipalities, stakeholders and conservation authorities have also called for the publication and release of background data and scientific methodology. This asks a universal question: What is the government afraid of? If this plan is to stand the test of time, it must stand the test of scrutiny and debate. To that end, we recommend that the province establish a peer review panel in order to provide oversight and ensure that the plan, its policies and mapping are based on the best available science.

An area of particular concern to our members is how the province is proposing to treat and define major river valleys. In areas south of the Oak Ridges moraine and east of the Niagara Escarpment, the greenbelt plan area includes portions of major river valleys that connect these areas to Lake Ontario. We acknowledge that this was one of the recommendations of the task force. However, the task force did not itself establish criteria to define these features; they established only the principle. Provincial staff have established the boundary of the plan adjacent to identified major river valleys at 60 metres without justification and consultation. This lack of transparency and accountability is troubling.

Assuming the province has confidence in the plan, the rationale for the selection of specific major river valleys and the 60-metre distances should be readily available for debate. This information has not been provided to us.

UDI finds it difficult to believe that there is any justification to raise the standard from the standard set in the Oak Ridges moraine conservation plan of 30 metres, as this plan applies to a much more highly ecologically sensitive area.

**1240**

During meetings with provincial staff after the release of the plan, ministry staff advised UDI members that separate criteria had been established and applied to different major river valleys. UDI finds the lack of stated criteria and the arbitrary application of these criteria troubling. Additionally, UDI believes that the setback standard derived from the application of this arbitrary value will unintentionally impact community planning and design, hamper the ability to link communities with transit and other infrastructure connections and, perhaps most ironically of all, perpetuate the notion of urban sprawl. We have quantified the effect of the environmental dedications, including the proposed 60-metre setbacks, throughout the entire greenbelt plan, and it calculates to some 43,700 acres. This could accommodate a population of over 576,000 persons, or, putting that into context, the 2001 census population of the former city of Scarborough.

We recommend that the criteria applied to establish boundaries adjacent to major river valleys be published immediately and be included in the plan. Furthermore, we recommend that reference to the 60-metre setback be deleted from the plan and that the standard of 30 metres established in the Oak Ridges moraine conservation plan be applied as the maximum setback limit adjacent to major river valleys, when justified by science.

**Mr. Mark Tutton:** First, I'm going to discuss the costs of infrastructure. In our estimation, the combined effect of several policies of the plan will lead to substantial increases in provincial and municipal infrastructure costs, both capital and operating. The most appropriate example to highlight this is the need for bridge structures spanning a minimum of 120 metres across defined major river valleys. The effect of the 60-metre policy is to increase the cost of roads by a conservative factor of two to three times on the capital side. Also, these bridge structures are extremely costly for municipalities to maintain. Most bridge decks need to be replaced every 15 to 20 years, so that's an added cost that's going to be there.

The imposition of the 60-metre policy could, in our opinion, pave the way for conservation authorities to apply this standard on minor tributaries and other intermittent watercourses. If this were to be the case, not only would the cost of the infrastructure become prohibitive, but the infrastructure may find itself incapable of meeting the tests of the criteria applied or future rulings arising from the environmental assessment process.

UDI recommends that the province reconsider the infrastructure policies of the greenbelt plan in light of these facts and ensure that approved or planned infrastructure projects will in fact be able to proceed in a timely manner.

Here are UDI's recommended amendments to Bill 135.



Section 10 is the 10-year review time frame. Given the import of the changes proposed by Bill 135 and the draft plan, it is UDI's position that a 10-year review time frame is too long, particularly in the absence of a process that openly validates the science of the draft plan or a decision-making process that protects the natural justice rights of landowners.

UDI is concerned that the review itself will be a cumbersome process that will result in recommendations not being adopted for some considerable time after the 10-year review begins. We note that the terms of reference of the latest review of the Niagara Escarpment plan were established in 1999 and the results of the two-year review still have not been approved. Municipal official plans are subject to a five-year review, and we are of the view that this is a more appropriate time frame.

UDI recommends that the review of the plan should occur every five years to coincide with the review of municipal official plans, as required by the provisions of the Planning Act.

Section 12, hearings regarding the draft plan: It is important that a process be established that will ensure that the decisions that are made regarding property are properly informed. In the interest of respecting natural justice and providing transparency, UDI recommends that the province develop a process whereby landowners would be afforded an opportunity to appear before a panel of hearing officers regarding the appropriateness of the designations and the proposed boundary. The hearing officers would be able to make recommendations to the minister regarding modifications to the boundary and land use designations before final approval of the draft plan is granted. UDI recommends that hearings administered by ministerial-appointed hearing officers should be conducted prior to the approval of the draft plan by cabinet.

Section 18, hearing rights: UDI firmly supports the rights of landowners within the context of and in balance with the public interest. The discretion granted to the minister in section 18 of Bill 135 would allow for hearing rights to be taken away without any opportunity for review of that decision. Recently, through the Bill 26 amendments, the minister has been granted the ability to declare a provincial interest in a matter. When exercised, this power gives the province the final word on matters where an interest is declared. Although similar in scope, there are important differences between these two powers.

Unlike section 18 of this bill, the declaration of interest under the Planning Act allows the hearing to proceed, and therefore permits parties to present evidence and argument in a proceeding that is subject to the rights and obligations associated with the Statutory Powers Procedure Act. We are of the view that the declaration of a provincial interest under Bill 26 is a more appropriate use of ministerial authority. Therefore, we recommend that section 18 be deleted in its entirety.

UDI recognizes that the greenbelt initiative is a significant campaign commitment of the McGuinty gov-

ernment. The committee should be aware that UDI is not suggesting that the greenbelt not proceed as a legacy for Ontarians. In our opinion, the plan and the process were not fully considered and integrated in the context of growth management, land supply, housing affordability and the infrastructure required to accommodate some additional four million people. It would appear that the process was undertaken with haste, without fairness and without regard to the future costs of infrastructure, the rights of landowners and the burden of those costs to municipalities and taxpayers. These issues and their possible unintended consequences are not insignificant to Ontarians. As legislators, it is crucial that you consider them accordingly and take a deliberate, conscious and fulsome approach to this endeavour.

We have only highlighted a few of the substantial errors encountered in our review of the plan and the proposed bill. We are aware of a number of other persons and organizations who will reiterate similar accounts of lack of transparency, fairness and accountability, errors in the plan based on lack of science and, perhaps most regrettably, a process that was unnecessarily rushed. Cumulatively, the consequences of the issues raised in this submission run counter to the intentions, preferences and values of many Ontarians.

We urge you to look at the greenbelt plan and the bill in this light and make the amendments that we have suggested herein. Thank you very much.

**The Chair:** Thank you. You've left a minute and a half for the official opposition.

**Mr. Hudak:** Thank you, gentlemen, for the presentation. Strong language. The UDI has considerable misgivings concerning the science: "fundamentally flawed," "disturbing lack of transparency of the scientific justification of the plan's boundaries," "the antithesis of a government that purports to embody the principles of fairness, transparency and accountability." You say, "We have no confidence in the alleged criteria used to establish the mapping to delineate the greenbelt." Strong language.

The response we heard from the minister this morning and from some of my colleagues opposite: "Just look at the Web site. All the science you need is on the Web site." Is that fair?

**Mr. Rodgers:** I think it's an unfair comment—sorry, your comment is, is the information on the Web site appropriate to—

**Mr. Hudak:** On a scale of one to 10, one being poor and 10 being outstanding, what's your degree of satisfaction that they've got the science right?

**Mr. Rodgers:** Less than five. The question is how we said it in our presentation: The onus on a developer to put forward an application before a municipality is considerable. If the ministry were a landowner going before a municipal council anywhere in Ontario, I would believe that council would have to reject that application on the basis of prematurity because there would not be enough information to advance the proposal.



You will recall, Mr. Hudak, that one of the significant background motivations of Bill 26, which was the Planning Act amendment, was that municipalities felt that developers did not give them enough information, and certainly not enough time, to make an informed and reasonable decision. I would suggest that what the government has given the industry and the public is of similar ill information and lack of good information quality.

**The Chair:** Thank you, Mr. Rodgers, your time has expired. I appreciate your coming out this morning and giving us your presentation.

Committee, our next delegation cancelled on us at 10:46 this morning, so we are technically recessed now until 2 o'clock this afternoon. There will be a subcommittee meeting just following—

**Ms. Churley:** Madam Chair, before we break, I do have a point of order: I note on the agenda today that we had a presentation from the Greater Toronto Home Builders' Association at 11:45, and one of the presenters didn't present. Instead, we had a substitute, Jeffrey Davies, who is a senior partner with Davies Howe Partners, who is presenting later on this afternoon. I raise this not to be petty, by any means, but we were told, when we were letting people know that they could apply to present today, that people had to be very clear who was speaking for whatever organization and that they couldn't speak twice. There may be at least one person I know of who wanted to represent another group, but it was our impression that because there were more people than we had space for, people couldn't present twice. I just think, in fairness to everybody, I would like that clarified.

**The Chair:** My understanding is that the individual was told that he couldn't appear twice and he won't.

**Ms. Churley:** That's what I wanted a clarification on. Thank you.

**The Chair:** We're recessed now. Could the subcommittee please stay? We'll be reconvening at 2 o'clock.

*The committee recessed from 1251 to 1404.*

**The Chair:** I'm going to call this meeting to order. We're reconvening.

I'd like to make a short notification that the subcommittee did meet during the lunch hour on the issue of televising on-the-road meetings. The standing committee has come to the agreement that that will be occurring, should local television stations wish that.

#### COALITION ON THE NIAGARA ESCARPMENT

**The Chair:** Our first delegation this afternoon is the Coalition on the Niagara Escarpment. Could they come forward, please. Welcome. If you wouldn't mind, identify yourself, spelling your name and telling us the group. You will have 15 minutes to speak.

**Mr. Bradley Shaw:** Good afternoon, Madam Chair and members of the committee. My name is Bradley Shaw. I am the executive director of the Coalition on the Niagara Escarpment.

CONE is a coalition of 32 province-wide environmental organizations and community-based groups along the Niagara Escarpment, representing tens of thousands of Ontarians. CONE has worked consistently since our founding in 1978 for the protection of the escarpment and its many values to Ontario society. CONE took part in the hearings in the early 1980s leading to the passage of the original Niagara Escarpment plan in 1985, and in the first and second five-year reviews of the plan in 1991-94 and 1999-2001, respectively. We have also been a party at Niagara Escarpment plan amendment hearings, and we have appealed several Niagara Escarpment Commission development permits. In addition to monitoring land development within the Niagara Escarpment plan area, we also engage in educational programs to promote public awareness of, and appreciation for, the Niagara Escarpment.

CONE wishes to be on the record as supporting Bill 135. There is an urgent need to protect natural habitats and agricultural lands in the Golden Horseshoe, and Bill 135 sets out to fulfill that goal. CONE congratulates the provincial government for moving expeditiously to set up a Golden Horseshoe greenbelt. The decision to restrict urban sprawl in the Golden Horseshoe is a bold step forward in land use planning in Ontario. It is refreshing to see the province involved in the planning arena in such a positive way.

We are very pleased that the government has decided to preserve the existing Niagara Escarpment plan, NEP, and the Oak Ridges moraine conservation plan, ORMCP. The greenbelt will provide much-needed connections between these important features and Lake Ontario. The harmonization of the 10-year reviews of the three plans is an appropriate step in this process.

CONE applauds the government for the excellent objectives of the greenbelt plan in section 5 of the proposed act. We feel that they are an excellent interpretation of the recommendations of the Greenbelt Task Force and the wishes of Ontario citizens. We especially applaud the government for the inclusion of the Escarpment link lands—Niagara Escarpment amendment 71—in the Niagara Escarpment plan through this bill.

We would like to offer a few comments and suggest some amendments for various specific aspects of the proposed act. The first deals with issues in sections 4, 8, 20, 22 and related subsections of 25 and 26.

CONE is pleased that the Niagara Escarpment plan and the Oak Ridges moraine conservation plan will generally continue to take precedence over other legislation in their areas of application. However, section 22 allows the Lieutenant Governor in Council to make changes to these plans "in order to facilitate the effective operation of the greenbelt...." Ministry staff assures us that the intent of these sections is to bring any less environmentally protective plan up to the standard of the more environmentally protective plan. However, the language in these sections does not specifically require that this actually take place.



By contrast, subsection 14(4) of the proposed Places to Grow Act, Bill 136, introduced the same day, states that “if there is a conflict ... with respect to a matter relating to the natural environment or human health, the direction that provides more protection to the natural environment or human health prevails.” We would like to recommend that a similar statement be included in the Greenbelt Act. In other words, we feel that language should be introduced to Bill 135 that ensures that in the cases of conflict, the greenest plan will apply. This should also apply to municipal official plans; that is, municipalities should have the ability to pass official plan policies and/or zoning bylaws that are more restrictive with respect to natural heritage, agricultural land protection or source water protection, for example, than provincial plans that apply to the same area.

Sections 12 and 13: CONE is very concerned with the ability of the minister and the Lieutenant Governor in Council to make amendments to the boundaries of the greenbelt area. It is our understanding that the government intends to establish a permanent greenbelt. If land can be removed from the greenbelt, whether or not it is replaced with land elsewhere, then it is not permanent, even though the bill does indicate that the total area is not to be reduced. It is our position that the bill should provide for lands to be added to the greenbelt, but not removed.

As written, the proposed bill would technically allow lands to be removed from the Niagara Escarpment plan area, something which has never before occurred in the 20-year history of the Niagara Escarpment plan. CONE recommends that the relevant subsections be amended to replace the phrase “the effect of reducing the total land area within the greenbelt plan” with the phrase “the effect of removing land from the greenbelt area.”

Sections 25 through 27: CONE supports the proposed amendments to the Niagara Escarpment Planning and Development Act. We are especially pleased with the restriction on urban boundary expansions to possible consideration only at the 10-year review and the addition of the escarpment link lands to the Niagara Escarpment plan. We support the decision of the government to eliminate the ability of developers to seek compensation for these and other adjustments made through the proposed act.

1410

We especially applaud the escarpment link decision, since it was a vote of the Legislature in 1990, 15 years ago, that this should occur. We would like to bring to the committee’s attention a similar situation nearby. In the former town of Dundas, now in the city of Hamilton, is a 1,000-acre parcel of land called Pleasantview that, in a 1995 ruling, the Ontario Municipal Board indicated should be kept outside the urban boundaries of Dundas. CONE has joined with a number of other environmental organizations and public bodies that are requesting the Pleasantview survey also be included in the Niagara Escarpment plan through the Greenbelt Act. This area is an important link between the Niagara Escarpment and

Cootes Paradise. On November 18, 2004, the Niagara Escarpment Commission passed a motion in full support of this proposal.

CONE recommends that the Pleasantview survey in Hamilton be included in the Niagara Escarpment plan by amendment of Bill 135 in the same way that the escarpment link lands now appear. I have attached to our submission a joint letter signed by several environmental organizations, including CONE, Ontario Nature, two Hamilton city councillors, the Hamilton Conservation Authority and Conservation Halton, as well as a copy of the NEC motion.

In summary, ladies and gentlemen, CONE is very supportive of the general direction of the proposed Greenbelt Act. This is an absolutely essential initiative for Ontario’s future and we wish the government well in its successful implementation. We hope that this committee will act on our suggestions for improvements to make Bill 135 the strongest Greenbelt Act possible for the citizens of Ontario.

**The Chair:** Ms. Churley, do you have any questions or comments to the speaker?

**Ms. Churley:** Thank you very much for your presentation and recommendations today. I wanted to ask you a bit more about the Pleasantview situation. What is the issue around that? What’s going on?

**Mr. Shaw:** Pleasantview is an area of land that has been part of a series of discussions related to the escarpment link lands. They’re adjacent and very similar properties between the two areas. There have been a number of decisions—those are detailed in the attachments—from the Ontario Municipal Board and so on that have indicated that the general direction of these lands should be in line with the general direction of the greenbelt plan as a whole. For the same reasons that the escarpment link lands are important to the escarpment and to the greenbelt as a whole, we think the Pleasantview lands should also be included.

**Ms. Churley:** I take it that because of the general area you represent you mostly spoke specifically about the Niagara Escarpment. But there are other submissions, related to some of the things I’ve been saying, that the greenbelt needs to be expanded and more lands included because of concerns around leapfrog development and other things. Do you support that contention?

**Mr. Shaw:** Definitely. For example, we would recommend that the Niagara Escarpment planning area, not just the plan area, be included as a whole in the greenbelt. There are also other areas; for example, south of the Oak Ridges moraine there are vast areas that we think would be very appropriate to include. So, yes, we definitely think that the leapfrog development—and for many other reasons, including the characteristics of those specific lands, there are several additions that could be made.

**Ms. Churley:** What about—you didn’t refer to it and it’s not part of the greenbelt, of course—the Castle Glen development on the Niagara Escarpment, which I’ve been vigorously opposing? I understand that there were complications in terms of how it was allowed to go ahead



in the first place. But do you see any opportunity within this legislation or any other legislation that the government is bringing forward to put a stop to that development?

**Mr. Shaw:** We would certainly support any move in that direction. I'm afraid I'm not familiar as much with the language of legislation to know how that could go forward, but we would certainly be in support of anything that would put a halt to that particular development. It's one that we've been working on for a long time and it's definitely plopping a town right on the edge of the escarpment. It's not something that we are in favour of.

**Ms. Churley:** Can you tell us why that is such a big concern to the Niagara Escarpment, that a year-round town—the first town since the 1970s, really, when the Niagara Escarpment Commission was formed—is being built? Some say it's not a particularly significant piece of land on the Niagara Escarpment. Can you describe why it's a problem and should be included?

**Mr. Shaw:** Could I consult with one of my colleagues just for a second?

**Ms. Churley:** Well, there wouldn't be time. Maybe I could just say for the record that I know there are many in the area who have been opposing this, but it had been approved. Of course, I've been calling on the government to use its powers to declare it a provincial interest or something to put a stop to it, because it's really building a year-round town, with a golf course and all the other amenities that go with that, on the Niagara Escarpment.

**Mr. Shaw:** It was recognized, even in the decision that approved the half of the development that has been approved so far, that this is a sensitive area. It's holding off, waiting for the finish of an environmental assessment. Even after that, the second half, which is on the escarpment brow itself, will then go forward for another proposal. So even though there has been a tentative approval, it was still recognized, even within that decision, that this is a sensitive area that needs to be protected.

**Ms. Churley:** OK. Thank you.

**The Chair:** The government side.

**Mrs. Maria Van Bommel (Lambton-Kent-Middlesex):** Thank you, Mr. Shaw, for your presentation. We've heard quite a bit today about the science of the greenbelt. From your perspective and your involvement in the Niagara Escarpment, could you tell us what your feelings are on the science that we are using?

**Mr. Shaw:** I think it's fair to say that for a good chunk of the land that's currently within the boundaries there are very strong scientific reasons for it to be preserved as natural heritage lands, agricultural lands and so on. I think there are equally strong reasons for some of the lands currently outside of the greenbelt to be added in.

Some of the boundaries, I have to agree, seem to follow political lines as opposed to ecological lines. We would use that as an argument that there should in fact be an expansion to include some watersheds, particular

environmentally sensitive lands that have been identified and so on.

A greenbelt shouldn't necessarily have the straight lines that you see in the plan right now. But I think there is strong scientific evidence for a greenbelt, for a greenbelt to be the size or larger than it is currently, and I'd be happy to discuss specific references.

**Mrs. Van Bommel:** So you would be comfortable with using the current science that we have to further expand the greenbelt?

**Mr. Shaw:** I think there's a lot of data available that supports the greenbelt, yes. I think there is always room for improvement, always room for more studies to be done, but I don't think the science is inadequate currently for us to move forward.

**Mrs. Van Bommel:** Thank you.

**The Chair:** The official opposition has two minutes.

**Mrs. Munro:** I want to thank you for bringing your comments to us here today. I want to specifically refer to page 4, where you're talking about sections 25 through 27. In the last part of that first paragraph, you talk about the decision of the government to eliminate the ability of developers to seek compensation. It raised the issue of compensation in my mind. I wondered if you could give us your views about whether there is any room for compensation at any point in a process such as this. I wondered if you could give us the position you would take on that issue.

**Mr. Shaw:** I think the term "compensation," as it has been used in this debate so far, is actually a misnomer, because in terms of having lands stay the way they are currently, there is nothing there to compensate. The issue of compensation, as it has come up, is that the landowners want to be compensated for future values that may or may not materialize in the future, depending on a whole host of other concerns, and that's a fairly nebulous argument to base a dollar value on.

I feel that if we're maintaining the status quo in terms of land development, in the sense that the lands will continue to be used as they currently are—not the status quo as in the process to change those, but the way those lands are used currently—then compensation is not a realistic way for the government to move forward.

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**Mrs. Munro:** I just wanted to ask you, further to that issue—there are those who have put forward the notion that obviously this initiative is something seen in terms of the public good. If there are issues related to the public good, they argue, it would seem that any cost of the public good should obviously be borne by people in general as opposed to anyone specifically or any one group specifically. I just wondered if your group had considered that kind of argument and what your response is to the position taken by those.

**Mr. Shaw:** I guess my concern is, again, that it's a public good, yes. The specific costs to any one individual are very difficult to calculate. The administrative and technical complications in order to come up with any kind of figure—it's impossible, I would have to say.



Again, the costs are not costs in the sense of money out of pocket; they're costs in terms of potential opportunities that may come in the future.

On the other side, we think it's very important for the government also to be looking toward expanding the public lands. The process—

**The Chair:** Thank you, Mr. Shaw. Your time has expired. We appreciate you coming out this afternoon and speaking before the committee.

## ONTARIO FEDERATION OF AGRICULTURE

**The Chair:** The next group before us will be the Ontario Federation of Agriculture. Gentlemen, as you sit down, if you would do me the favour of stating your name and the organization you're with. If you have an unusually spelled name, could could spell it out for Hansard before you begin. You will have 15 minutes once you start.

**Mr. Paul Mistele:** Before we start, I would ask that the back doors be opened. We have farmers, members of our organization, who have taken time away from their families and farms to attend the proceedings here today. I would appreciate it if the back doors could be opened so they would feel a part of this.

**The Chair:** I can appreciate that you want them to hear, and they can hear in the overflow room.

**Mr. Mistele:** We would ask that the back doors be opened. They've taken time from their farms and families to be part of this.

**The Chair:** They can go in the overflow room. We will not be opening the doors. They can go into the overflow room and hear your comments.

**Mr. Mistele:** It's not our fault that you didn't have a big enough room. I know you've got a tight budget; that's what I hear.

**The Chair:** We're sorry. Would you like to—  
*Applause.*

**The Chair:** I'd appreciate it if the audience would not provide any support or any other comments. Otherwise, I will have to clear the room.

Would you like to introduce yourselves, please.

**Mr. Mistele:** Good afternoon. My name is Paul Mistele. I am the vice-president of the Ontario Federation of Agriculture. I will start off with a presentation—

**The Chair:** Would you introduce all the other individuals as well before you begin.

**Mr. Tom Wilson:** Tom Wilson. I represent Peel Federation of Agriculture.

**Mr. Neil Currie:** Neil Currie, general manager of the Ontario Federation of Agriculture.

**Mr. Mistele:** Good afternoon. I want to thank you all for ensuring the OFA is here today. However, I must tell you that I am dismayed, after all farmers have told government about this legislation, that we even have to be here.

The Ontario Federation of Agriculture is the largest and most active general farm organization in Canada. We

work very closely and on behalf of Ontario commodity organizations and our individual members, who number nearly 40,000. I am here today on behalf of that membership to give you a brief glimpse of the state of Ontario farm business.

As the second-largest contributor to Ontario's economy, it is important that all of you, as members of the Ontario Legislature, understand the status of our industry and our issues. Let me state, up front and clearly, that the Ontario Federation of Agriculture supports the protection of farmland. As an organization, we participate in and advise local independent projects and trusts across Ontario that are working to protect farmland. We work to establish and support science-based environmental programs for farms. We work to establish and support best management practices on farms.

Farmers own and care for a large portion of the land in this province, and now farmers face a government action that threatens that land and their businesses. It is our submission that Bill 135 is the most draconian piece of legislation farmers in this province have ever been faced with. The legislation seeks to impose a one-size-fits-all approach to one of the most diverse regions of Canada. It ignores science, it ignores economics and it ignores farm businesses and their contribution to the Ontario economy.

The government promised that they would make the Ontario Ministry of Agriculture and Food a lead ministry in the government. Looking at the greenbelt proposal, it's hard to say that anything leading has come from that ministry. It is very disappointing to farmers to have to acknowledge that, in spite of platitudes to the contrary, the government has not acknowledged or embraced the simple fact that you cannot protect farmland unless you protect farm businesses.

The rural landscape the government is so desperate to maintain is actually land that has been maintained for over a century by Ontario farm families. This land, under the stewardship of farmers, has been contributing to the aesthetic and environmental health of this province over that time.

If the government were paying attention to our members, they would understand that in order to continue to contribute to a local, stable food and fibre supply and continue to protect and enhance the beautiful landscape, a vibrant processing industry, the environmental health and employment of citizens in agribusiness, primary agriculture needs to provide farmers with a living wage and, dare I say, a profit from their contribution. Right now, most of the agricultural commodities grown in this province are being sold for less than what it costs the farmer to produce them. To make ends meet, many farm families have one or two members with off-farm jobs. This is because the farm income in 2003 was less than \$15,000. Last year it was lower, and this year will be an income disaster. Add in the increasing cost of regulations that overlap and are unnecessary, time-consuming and as restrictive as Bill 135, and you can come to no other conclusion: It is the Ontario farmer who is subsidizing the food supply.



We have our response to the greenbelt draft plan here with us today, and I think you will find it a very reasonable assessment of the greenbelt proposal. Among the many flaws we have pointed out in this government proposal, and there are many, we have identified a monumental flaw: It will not even allow any citizen an avenue of appeal.

The Ontario government, in the development of this legislation, claimed to rely on the advice of their own appointed Greenbelt Task Force. In May 2004, after consultation with hundreds of citizens, that task force realized that the greenbelt would not happen unless the government did more work to identify the reasons why farming in Ontario may not be viable. The government did not listen to its own task force.

I am here today to tell you that if this government does not come to the table and work seriously with us on solutions to the farm income crisis currently taking place here in Ontario, they risk losing their credibility as protectors of the environment and sound financial managers.

OFA members here in the room have come away from their farms and their families today so this committee can see the faces of Ontario farmers who are being buried under an avalanche of restrictive government legislation and regulation based more on political agendas than solid science or acknowledgment of the contribution of agriculture to the provincial economy. Bill 135 is a solid example of that.

I would at this time like to introduce a young farmer who operates his farm business in Peel region, Tom Wilson. Tom sees first-hand how this legislation is going to impact his community and farm families.

**Mr. Wilson:** I am sitting here before you today as a young farmer in Ontario who is going to be directly affected by this legislation. I have been farming for approximately eight years as the general manager of our farm operation, but I was born and raised on a farm. I find that in today's economic uncertainties in agriculture, viability is just proving to be a shifting goal that we cannot find or accept. One per cent of the population that is actively farming today in Ontario will bear the brunt of this burden for 99% of the population.

Future infrastructure of agriculture that's within this greenbelt legislation will not be fit to remain. With the supporting infrastructure disappearing and leaving within the greenbelt, any hope of future farm viability is gone. Add to this the increased commuter traffic and developer leapfrogging, and this will only make matters worse.

The effect of the greenbelt legislation on farm operation viability must be seriously considered by this body. I've always been a person of action, and this current situation with the addition of the greenbelt to our economic uncertainty makes me seriously consider selling my family farm and moving outside of the greenbelt area before it is implemented.

Bill 135 will be a burden to farmers in Ontario. If this were serious legislation from the start, this greenbelt legislation would encompass the entire province, but it does not.

1430

**Mr. Currie:** Thank you, Madam Chair, and ladies and gentlemen of the committee. As mentioned, I'm Neil Currie. I'm the general manager of the Ontario Federation of Agriculture.

As Mr. Mistele has clearly stated, if you really wish to protect farmland, you must protect the business of farming. As suggested, farm viability is of paramount importance, and how one goes about preserving farmland can have a profound impact on that viability. Today, I want to highlight an alternative farmland preservation tool that directly addresses farmer concerns, demonstrating that there are other ways.

OFA president Ron Bonnett and I were recently in Pennsylvania, meeting with farm organizations and with legislators. The representatives of the commonwealth of Pennsylvania consider agriculture to be the backbone of the Pennsylvania economy. The production of agriculture contributes \$4.5 billion and agricultural business—equipment, manufacturers, processors etc.—provide \$45 billion a year to the state's economy. Ontario farm cash receipts are significantly larger, at \$8.5 billion, making agriculture and the dependent agri-food business the second most important in our economy.

In addition to the economic contribution of farming, Pennsylvania recognizes and values agriculture's unique contribution to the environment, as well as the aesthetic charm of the agricultural landscape. They acknowledge that these open spaces and the environmental contributions made by farmers are key to the health of their citizens.

Between 1950 and 1980, Pennsylvania lost 46% of its farms to reckless development and growth. Bucks county, just outside Philadelphia, lost 80% of its farms. Studies in the early 1980s found that the actual need for expansion during that same period was only 13%. This uncontrolled growth created an automobile-dependent society and all of the economic, environmental and societal damage that is inherent in that kind of growth—a situation we see today in Ontario. The state also recognized that every house that went up over productive farmland took the economic contribution of that farmland out of the state's economy permanently.

Bolstered by a shared need to preserve farmland, the state of Pennsylvania and its farmers collaborated to develop the farmland preservation program as their tool. The state and counties established a \$100-million bond issue. These funds are sustained by both levels of government and are used to purchase development rights. Farmers retain ownership of their land, and it can be passed on to generations or sold, with the understanding that the land will only be used for the production of agriculture. Local agriculture preservation boards, which are made up of farmers, county representatives and developers working together, make recommendations to the state regarding identification of lands for preservation and other planning matters. The state makes the final decision.



The Pennsylvania agricultural preservation program is a model for success. They are national leaders in farmland preservation. The program has preserved over 275,000 acres of farmland in perpetuity.

Further, farmers have used the funds to invest in more farmland, pay mortgages and invest in environmental and business improvements on their farms. In this way, farmers in Pennsylvania, in partnership with the state, can preserve and maintain a stable source of food and fibre, the agricultural industry and workforce, and continue their positive contribution to the environment and health of the state.

Madam Chair, there are collaborative alternatives to the draconian measures of Bill 135 that will preserve farmland and the business of farming. We are pleased to provide with our submissions today a DVD from Pennsylvania that outlines the details of their program.

**The Chair:** Thank you. Ms. Churley, we have about four and a half minutes left, so I'm going to divide it between you and the government side. You have the first half.

**Mr. Hudak:** Chair, if I could, I think we had another group where the same thing happened. The official opposition has important questions for the folks from the OFA, and I feel like I'm being left out if you simply divide it among two parties as opposed to three.

**The Chair:** Well, if you keep talking, we'll have even less time for both sides. If the delegations take the time and determine that they're going to use all their time to speak to us, I can't limit the amount of time they're going to speak.

**Mr. Hudak:** With due respect, Chair, how could you make the arbitrary decision of dividing it among two parties? You would think it would be one or three. Why are you leaving out the official opposition on this deputation?

**The Chair:** Well, on one occasion, you got all the time. It's just a rota.

**Mr. Hudak:** You would think it would be one or three. Why are you choosing arbitrarily to leave out the opposition and divide it among two parties? I have not seen this before at the committees I've sat on. It's either divided three ways or to one party.

**The Chair:** The amount of time you've taken now would only leave Ms. Churley to speak. Ms. Churley, you have the floor.

**Ms. Churley:** Thank you very much for the opportunity. There isn't much time, really, for any of us to ask concise questions. I wanted to follow up on the agricultural preservation board. Are you suggesting that the government just completely scrap the greenbelt and bring in something like that, or would you be at least happier if there were something like that brought in and very precise farm aid—I don't have time to mention; I'm sure you could think of a lot—programs that could be brought in at the same time as the greenbelt that would, at least to some extent, alleviate some of the hardship issues in the farm community that you've brought before us today?

**Mr. Currie:** The Pennsylvania program is only one example. New Jersey, I understand, also has a very successful program. We're illustrating the fact that there are alternative approaches to the stick that is being used with the Greenbelt Protection Act. This is a carrot program, if I can use that metaphor, where the farmers and developers and zoning officials are working collaboratively with the state, as opposed to having land confiscated under greenbelt legislation. So it's a collaborative model; we're not suggesting it's entirely applicable here, but I certainly think there are lessons to be learned from their collaborative approach.

**Ms. Churley:** But following up on that, I presume that—we're going to have a greenbelt, I would say. Accepting that, what would you like to see brought in, should the greenbelt go ahead, to help you with your issues in the agricultural field?

**Mr. Mistele:** I understand your question and thank you for that. We're asking for a task force to study other alternatives, pure and simple. Push back the time frame and make sure you're getting things right, because once you make this decision, it's gone. Once you pave it over, once you cement it over, it's gone; it doesn't ever come back. So let's see where we're going. Let's look at the costs that are going to be implied with this and make sure the government gets it right.

**Ms. Churley:** So you want to save the farmland. You don't want to see it paved over. That's a given; we all agree on that. So the issue—

**Mr. Mistele:** I don't know if we all do agree with that. I think you're jumping to the conclusion that we all agree with that. I know the agricultural sector doesn't want to see it paved over.

**Ms. Churley:** Exactly. I think that especially in the agricultural community, you don't want to see your farmland paved over. So, going from that premise, the issue becomes one of how best in the agricultural community to preserve that land for farmland.

**Mr. Mistele:** You make agriculture viable. You bring in policies and legislation, and then it'll take care of itself. This is the terminal generation that we're looking at here. We can't do this. If they want to use Iron Curtain measures to do land policies—Russia tried to do it about 70 years ago, and we found out how well it works.

**Ms. Churley:** So you want to see farm aid programs brought in at the same time to deal with all of these issues you're bringing before us today?

**Mr. Mistele:** I don't want you to use the words "farm aid." We want measures and legislation that make agriculture viable. We have a North American free trade agreement; we need policies on agriculture that line up with that. When we were in Guelph—

**Ms. Churley:** That's what I mean. You're calling it something else, but that's what I mean.

**Mr. Mistele:** OK, thank you.

**The Chair:** Thank you, gentlemen, for your delegation today; we appreciate your coming out.

**Mr. Hudak:** On a point of order, Chair—

**The Chair:** Yes, Mr. Hudak.



**Mr. Hudak:** Thank you, Chair. First, thank you very much to the members of the OFA for being here. I appreciate those who are in the hall too. There's a lot of interest, obviously, in the bill. Unfortunately, we don't have enough seats, but I appreciate those who took the time to come away from the farm, and the spirit of presentation.

Chair, with all due respect, there have now been two occasions where the time was split between the third party and the government, to the exclusion of the opposition. My observation, unless there's another precedent, has been, in my 10 years of sitting on these committees, that time is either divided up equally among the three parties or given to one particular group, depending on the procedures that the committee follows or the time remaining.

My colleague Mrs. Munro and I had some important questions that we wanted to ask the delegates from the OFA; the home builders was another situation where this happened, where at the beginning we were told we had two minutes each. I believe a government member spoke longer, and our time was extinguished because they spoke too long.

Chair, I wonder if you would clarify, then, how you see that we should be splitting up the time, and I would request that the time be split up on a more equitable basis for questions to delegations.

**The Chair:** Mr. Hudak, on one occasion I recall giving your party five minutes and no one else had an opportunity to speak. I am trying to give whoever's turn it is sufficient time to ask a reasonable question and get a reasonable answer. I don't think it's practical to give somebody one minute. So if there are only three minutes left, I don't think it's reasonable to ask someone to put their question and get a reasonable answer back in a minute. Based on the amount of time that's left, I try to get in as many speakers as I possibly can. If you are prepared to take my advice as to when your time is up and don't make your question longer than the time you have available, then I will be prepared to try and divide it equally by the second, to be fair. But I have been trying to be fair and in some cases you've had more than your fair share of time.

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**Mr. Hudak:** I appreciate the point, and my colleague may have some further comment. I don't want to take more than my fair share of time; I would like equal time. I think, particularly as a member of the official opposition, it's important for us to bring points that are different from government members who have the ability to better communicate, given all the staff. I wish—

**The Chair:** I will take your comments under advisement. I will try and be as absolutely fair as I possibly can. I've attempted to do that so far.

**Mr. Hudak:** Could we have some greater clarity on how you're going to allocate the time, then, so we could time our questions appropriately? Will you split it three ways, will it be all in one group or is it an arbitrary process?

**The Chair:** I will split it absolutely evenly amongst the three parties if there is sufficient time, if the groups don't speak beyond their 15 minutes or 10 minutes. But you will have to confine your questions to the time I have, and you may not have time for an answer if you don't follow the time limitations I give you. Does that answer your question?

**Mr. Hudak:** To an extent. I just—

**The Chair:** Good. Ms. Churley, did you have a question?

**Ms. Churley:** No, but on this subject, I just want to make a point. We all feel at times it's unfair. I was dying to ask a question to the UDI on science. I had a really, really good question and I didn't get an opportunity to ask it. So it's frustrating for all of us, and I think we need to be mindful of how much time we each take when we ask questions.

**The Chair:** I'll do my best to give you as much advice as I can.

**Ms. Churley:** I just want Tim to know I've shared that frustration when I wanted to ask a burning question and didn't get to ask it.

**The Chair:** OK. I will do my best to make sure you're mindful of the time so that you can ask your question.

#### PEMBINA INSTITUTE FOR APPROPRIATE DEVELOPMENT

**The Chair:** Our next group is the Pembina Institute. Welcome. Could you identify yourself and the organization you're speaking for this afternoon. When you begin, you will have 15 minutes.

**Dr. Mark Winfield:** Thank you. My name is Mark Winfield. I'm program director with the Pembina Institute for Appropriate Development and also an adjunct professor of environmental studies at the University of Toronto.

The Pembina Institute is a national independent, not-for-profit environmental and energy policy and research education organization founded in 1984. The institute has followed the province's greenbelt initiative closely over the past year. We made submissions to the Greenbelt Task Force and to this committee on Bill 27, the Greenbelt Protection Act.

The institute welcomes the proposed Greenbelt Act and accompanying plan and believes that the greenbelt initiative is an important component of the government's overall efforts to reform Ontario's land use planning system to curb urban sprawl and promote more sustainable urban development patterns. Indeed, our most significant concern with respect to the plan itself is that it doesn't go far enough.

The protected countryside incorporated into the greenbelt plan leaves a significant amount of land between the current designated settlement areas and the greenbelt area, particularly south of the Oak Ridges moraine. Given that work by the Neptis Foundation has concluded that there is sufficient land in the region already designated for development, which is unaffected by the



greenbelt initiative, to meet the region's housing and employment needs for the next 20 or 30 years, even assuming no progress in increasing urban development densities, in our view there is no need to leave such a large area of land available for development between the greenbelt and the existing designated settlement area. This area encompasses prime agricultural lands and natural heritage and source water lands and, in our view, should be included in the greenbelt. Failure to incorporate these lands into the greenbelt in our view will encourage speculation and unnecessary urban sprawl.

Similarly, the outer boundary of the greenbelt needs to be extended outward to better encompass the greater Toronto area commutershed. In the absence of an extension of the area encompassed by the greenbelt, there is a significant risk that the initiative will prompt low-density leapfrog development in these locations. Indeed, we have quite significant evidence that such patterns are already emerging in the southern part of Simcoe county.

Leapfrog development patterns would undermine the basic goals of the province's greenbelt plan and other planning reform and growth management initiatives. We've incorporated into our submission the map that I believe Ontario Nature presented earlier today, indicating the areas that we think the greenbelt should be expanded to include. More generally, the Pembina Institute emphasizes that the greenbelt initiative is only one component of the legislative, policy and fiscal reforms that the province needs to undertake to ensure the development of more sustainable urban development patterns in the greater Golden Horseshoe area. These initiatives would include the redrafting of the provincial policy statement, Ontario Municipal Board reform, changes to the development charges system and other measures.

In terms of Bill 135 itself, our comments are focused on the issues of the conformity of provincial and municipal plans and decisions with the greenbelt plan, aggregates development within the greenbelt area, the role of the proposed advisory committee and transitional issues related to the implementation of the plan. Section 7 of the plan would require that municipal and provincial decisions under the Planning Act, the planning and development act and the Condominium Act conform with the greenbelt plan. It would also prohibit municipal bylaws and undertakings that may conflict with greenbelt plan.

These provisions are central to the effective implementation of the plan. However, in our view, provincial decisions made under other legislation, including the Ontario Water Resources Act, the Environmental Protection Act, the Aggregate Resources Act, the Mining Act, the Public Lands Act and the Drainage Act, should also be required to conform with the greenbelt plan. Similarly, provincially initiated undertakings, as well as municipal projects, may have significant implications for the integrity of the greenbelt and therefore should be required to conform with the greenbelt plan as well.

We note that mineral aggregate extraction represents a significant threat to the natural heritage features, source

waters and prime agricultural lands in the greenbelt area. In our view, aggregate extraction is not consistent with the natural heritage and source water protection goals of the plan, and therefore Bill 135 should be amended to exclude new or expanded aggregates development in key natural heritage features of the greenbelt as defined in the greenbelt plan.

Section 12 of the act requires that proposed amendments to the greenbelt plan not have the effect of reducing the total land area within the greenbelt. Such a provision would allow the movement of lands in and out of the greenbelt area, regardless of their importance from a natural heritage or agricultural perspective. In our view, this clause should be deleted and replaced with the provision that the minister not recommend amendments to the plan if the proposed amendments would result in the removal of any lands from the greenbelt area.

Section 15 of the bill deals with the issue of the greenbelt advisory committee. In our view, the greenbelt initiative is an important and complex undertaking. Its successful implementation will require ongoing monitoring and reporting. The mandate of the advisory committee should be amended to address this need. In particular, in addition to the establishment of a requirement that the advisory committee be created—at the moment, that's a discretionary duty on the part of the minister—the committee should be mandated to provide an annual report and recommendations on the status and integrity of the greenbelt.

The final issue I want to touch on briefly is the question of transitional issues. These are dealt with in section 24 of the act. In our view, the principle that should underlie this aspect of the implementation of the plan is that decisions should be made on the basis of the rules that are in place at the time of decision, not at the time of the application. That will discourage speculation and ensure that decisions going forward are made on the basis of the provisions of the greenbelt plan.

I'd be pleased to answer any questions that you have. I thank you for your time.

**The Chair:** Each party has three minutes.

**Ms. Deborah Matthews (London North Centre):** Thank you very much. We've heard from UDI, from the home builders, from the PC Party, arguments for more science-based involvement. On the other hand, we've heard the people with the best scientific credentials arguing that we should not only adopt this greenbelt plan but expand the boundaries. I just want to ask you what you think about the notion that this is not science-based enough.

**Dr. Winfield:** I think the scientific basis for the plan is sufficient to move forward. We have very, very clear projections in terms of the consequences of continuing the business-as-usual development patterns in the region. I think those are serious enough to provide a basis for action. We know that considerable effort has gone on at MNR and municipal affairs in terms of specific locations, particularly of watersheds and natural heritage features and those kinds of things. Indeed, I think the case is



actually very strong, from both a natural and social science perspective, for the expansion of the greenbelt area, given, again, that we have very, very detailed analysis. In fact the latest one, from the Ministry of Public Infrastructure Renewal, indicates we've actually underestimated how much available land for development is within the existing designated settlement areas. It seems to be somewhere in the neighbourhood of 1,400 square kilometres. So we're good out to 20 or 30 years.

I think the case for the greenbelt is very compelling. The science is there. One reaches a point where you have to move from analysis to decision, and at this stage of the game I think that's the stage the province needs to move forward with.

**Ms. Matthews:** Thank you very much for that.

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**The Chair:** The official opposition: three minutes.

**Mr. Hudak:** Thank you very much for the presentation. You make an interesting point, and Neptis does as well, about prime agricultural land that's been left out of this. We have great questions about the science. There's the map, for example, of the Durham region where there are some strange shapes that are cut out, that are left wide open for development, between environmentally sensitive areas, some with wetlands and such. Has it been explained to you how these fingers, these little slices that eat into the greenbelt, have been based on science? Have they explained these types of anomalies to you adequately?

**Dr. Winfield:** We have not looked at it at that level of minutiae. This is part of the reason, though, that we make the argument that the rational way to deal with those types of issues is to bring the greenbelt boundary down to the existing designated settlement area boundary. That would make sure you've encompassed all that prime agricultural land and the natural heritage features there. There has been a lot of work that has gone on, and we could probably talk for weeks about each individual point along the boundary.

In our view, the government has made this macro policy decision that it's not going to do any down-zoning. It's going to let what's designated as a settlement boundary stand. One could disagree or agree with that decision, because that in itself will allow quite a lot of development of prime agricultural land, but at this stage of the game that seems to be the choice they've made. It's really just a question of what to do with these lands between, which from our viewpoint it would probably make sense to include.

**The Chair:** Ms. Churley, you have the last three minutes.

**Ms. Churley:** Thank you very much for your presentation. Look, whether the boundaries are political, science or what, there's no question that there's some political interference here—the fact that Bond Park has been left out and various other little slices and things. I think that's a given; I don't think even the Liberals can argue with that. There has been some political interference.

The issue for me, though, is to move beyond that and talk about where we go from here. We now have scientific evidence—some of it was presented to us this morning and will be later—that says the greenbelt should be much larger. So we need to put some of these parcels that have been left out—in my view, as well, for political reasons—back in. But to me, the bigger issue is all of the huge pieces that have been left out, leaving aside all the tiny, funny bits and pieces and parcels.

What I want to ask you is this: England, for instance, has set its intensification target at, I think, 60% by 2008, and we've got 40% that we're supposed to get to by 2014. If Britain can do that, why can't we do that here?

**Dr. Winfield:** It's a very good question, and I think the short answer is that we almost certainly can. A study has just been completed for the Ministry of Infrastructure Renewal by Joe Berridge, who is the chief planner for the city of Toronto, looking at not only the United Kingdom but also Sydney, Australia; Auckland, New Zealand; and a number of other locations where indeed the redevelopment rates are in the neighbourhood of 60% or 70%. That would certainly relieve, if we can achieve anything like that—and we don't need to to relieve some of the outward pressures that are there. At the moment, we seem to be achieving redevelopment rates somewhere in the 15% to 20% range. The government is looking to move that forward.

Of course, with every step you can move that forward, you buy more and more time in terms of the point at which you might have to consider a settlement area boundary expansion. I would note that the plan does include provisions which allow for those kinds of considerations to occur at some point in the future. But at this stage of the game it seems to us, particularly given that the government has already taken a policy decision that it wants to improve the redevelopment rate substantially, that the best way to deal with these questions about the kinks and the curves in the boundaries—and I'm not privy to exactly how individual decisions got made—

**Ms. Churley:** Neither are we.

**Dr. Winfield:** I think the way to deal with that criticism, though, is to bring the boundary down to the edge of the existing designated settlement area, in effect the white lands or the fuzzy pink, as it's variously referred to in various documents, because we're in a very strong position. We do have this enormous stock of land out there designated for development which is undeveloped. It gives us a great deal of flexibility in terms of being quite aggressive at this stage and then seeing how we do over the next decade as the kinds of policies we've been discussing have a chance to play out. We have a 10-year review on the greenbelt to say, "How have we done?" That still leaves us, on the worst-case projections, 10 to 15 years short of where we'd start to run up against the actual designated settlement area boundaries. So I think we're in a position to be relatively aggressive around these issues.

**The Chair:** Thank you, Dr. Winfield, for your delegation. Our time has expired. We appreciate your coming out this afternoon and appearing before us.



## NIAGARA ESCARPMENT COMMISSION

**The Chair:** Our next delegate is the Niagara Escarpment Commission.

Welcome, gentlemen. For Hansard, could you identify yourselves and the organization you represent this afternoon. After you have introduced yourselves, I will give you 15 minutes.

**Mr. Don Scott:** Thank you, Madam Chair. Today I have with me Mr. Mark Frawley, who is the director of the Niagara Escarpment Commission, and on my left is Ken Whitbread, who is the manager of the commission. Hopefully, among the three of us, we should be able to answer all of your questions.

**The Chair:** And you are?

**Mr. Scott:** I'm Don Scott, the chairman.

The commission has been involved for quite some time in the lead-up to the legislation that you are considering, and we are thankful to have been consulted and invited to participate in the Greenbelt Task Force process, the formulation of the draft greenbelt legislation, the preparation of the draft plan and the related Places to Grow Act. And that is just recent history. I would note that we were involved with the previous government in its Smart Growth dialogue, the development of the Oak Ridges moraine plan, and the proposed new provincial policy statement. We consider these to be part of the same planning continuum for this issue.

In a sense, the consultative process has been moving forward steadily for several years toward the juncture you are at today. It is fair to say that there has been significant public and agency consultation. We are grateful that Ontario's Niagara Escarpment is considered to be a keystone and a model for the greenbelt, and we are happy to share what we have learned over the past years.

I would like to touch on just a few of the suggestions that we have brought forward. For a deeper understanding of our rationale, you may wish to review some of the materials that we have distributed to the committee, Madam Chair.

Overall, the commission is very pleased and impressed with the direction of the legislation. We feel that the greenbelt plan reflects an abiding public interest to improve our quality of life by protecting significant resources—natural, environmental, agricultural, cultural and recreational. In combination with Places to Grow, it is a landmark effort to intensify development and direct it to appropriate areas, particularly within existing urban boundaries. There is a rightful sense of public urgency around coming to terms with such issues as limits to growth, traffic gridlock and affordable municipal services.

On a specific matter, we commend you and encourage you to stay the course by bringing more than 5,600 acres of Niagara Escarpment located in Halton region and the city of Hamilton into the protection of the Niagara Escarpment plan through the Greenbelt Act. This land is currently the subject of Niagara Escarpment plan amendment number 71—it is referred to as the “escarpment link”—in recognition of the fact that the actual

escarpment feature is missing from the escarpment plan in this particular area.

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The area is being moved from the parkway belt west plan, since that plan has achieved its intended objectives for transportation and infrastructure planning in the area. These lands have always been considered to be an integral part of the Niagara Escarpment natural feature and the rural countryside.

The proposal to finally place the link in the Niagara Escarpment planning area will deliver a long-awaited, decisive clarity to a matter that has been endorsed by the government but delayed for more than 20 years. Indeed, the past three years have been mired in unproductive legal manoeuvring. The cost of this wrangling has been a burden for the taxpayers of Ontario, as well as the rate-payers and councils of Hamilton, Halton region and the city of Burlington, who all support the initiative.

While you are considering this addition to the plan, I would also draw your attention to the maps we have put before you, and specifically map 1 in our brief. It's under tab 5. The white area with the thick black line around it is the escarpment link area that I referred to. You will see that there are two orange-coloured slivers of land at either end of this link area, which are contiguous to, and environmentally intertwined with, the remainder of the escarpment link. These areas have been subject to public consultation and have been endorsed by our current Minister of Natural Resources, the Honourable David Ramsay, and previous ministers, including former Minister John Snobelen and Minister Jerry Ouellette. We strongly recommend that you arrange to have these two parcels transferred into the escarpment planning area for all the same reasons that hold true for the escarpment link.

Now, turning to some matters specifically related to the act that is before you, we would like to highlight some of our recommendations.

The points I am about to refer to are on a one-page list in our brief. The title of the sheet is “Key Niagara Escarpment Commission Recommendations,” under tab 1.

(1) We strongly support the proposed prohibition on expansions to urban areas and urban uses except at the time of a 10-year review of the greenbelt area; that is, the greenbelt countryside, the Niagara Escarpment plan and the Oak Ridges moraine plan.

This review would be a consolidated analysis of the workings of all three plans that compose the greenbelt. Accordingly, future planners and legislators would be able to comprehensively review land use matters with regard to the relative merits of growth across a wide geographic area, having multiple connected ecosystems, resource opportunities and servicing needs.

(2) Please ensure that the Consolidated Hearings Act hearings are covered by the legislation. If the Ontario Municipal Board and other land use tribunals are obliged to conform to the legislation, so too should the joint board.



This act has given us no end of difficulty over the years. It allows proposals to be moved, then heard by a hearing body which is viewed as being more development-oriented. This defeats the purpose of having progressive, forward-thinking land use legislation.

We are therefore strongly recommending that you adjust the relevant sections of the draft act and the Niagara Escarpment Planning and Development Act provisions in this bill. Your aim should be to ensure that referrals to the joint board require the endorsement of the minister or the Niagara Escarpment Commission respectively before any matter can be sent to the board.

(3) We like sections 12 and 13 of the draft act. They contain limitations that prevent amendment from reducing the total area of the greenbelt plan.

We have proposed wording changes that would also make this a condition of any review of the plan. Moreover, because we see the potential for uneven land trades, any adjustment in the plan area should be confined to the same local municipality. In this way, you will assure local environmental integrity. You will also avoid the criticism that dissimilar lands are being swapped between scattered municipalities.

(4) We would prefer that there be some clarification in the intent between sections 17 and 7 of the draft act. It is unclear whether the Ontario Planning and Development Act must conform to the greenbelt legislation. Since the Ontario Planning and Development Act has the potential to be used for the development of other provincial plans or strategies, the relationship should be clear. In our view, the Greenbelt Act should prevail.

(5) Sections 22 and 25 of the draft act state that the Lieutenant Governor in Council may "vary, supplement or override" the Niagara Escarpment plan and the Oak Ridges moraine plan to facilitate the effective operation of the greenbelt plan. This would be clearer and more effective if words were added to say that any variance is subject to the variance being "with respect to providing more protection for the environment or human health." This is also consistent with wording proposed for the Places to Grow Act and would assure that the highest standard is being applied.

(6) Municipal official plans or zoning bylaws should be allowed to be more restrictive than the greenbelt plan, if that is the wish of the local or county municipality. This is already provided for in the Oak Ridges moraine plan. It makes sense to make this consistent for the remainder of the greenbelt plan, including the Niagara Escarpment plan.

There are two more matters that I wish to touch on, with your indulgence, Madam Chair.

First, we have read about and heard from some individual landowners who feel that they deserve compensation for the loss of anticipated future land value. Some are farming, but many are biding their time as the subdivisions march toward their land, and they anticipate a big cash-out. We would encourage you to stay on the high road. This issue is not new to provincial or municipal planning and is discussed every time new planning

documents are being formulated. The NEC itself faced this argument 30 years ago and it was not accepted then. If direct compensation were a prerequisite to land use planning, it is unlikely that the parkway belt west plan, the Niagara Escarpment plan or the Oak Ridges moraine plan would exist today. As well, municipal planning would be much more difficult, since the same compensation arguments could be brought to bear on local or regional land use and zoning matters. Compensation paid for the effect of good planning done in the public interest has never been provincial or municipal policy, nor should it ever be.

The objective is to provide a balanced and managed planning environment allowing appropriate growth in the context of protecting the province's natural resources and its communities. This benefits all citizens and compensates them with a high standard of enjoyment; a clean, safe environment; livable, engaged communities; and healthy prospects for people and future generations.

We are up to our final point, Madam Chair, and I regret if you have heard this one before.

Throughout the entire greenbelt process, and through the Smart Growth process before it, the assumption has been that there will be no limits to growth in Ontario. As you know, the projection is that there will be four million more people in Ontario over the next 30 years. The social and monetary costs are predictable. Successive governments at various levels, from the municipal level up, are already struggling to balance the books while shoring up sagging or crumbling infrastructure amid growing public demands for service. Limits on growth must become part of the public dialogue. In that regard, Madam Chair, you and your colleagues have our deepest respect for the dedication that you bring to the difficult work you do for the people of Ontario.

In conclusion, the greenbelt plan is a critical first step in what should be a very long-range, comprehensive planning direction for Ontario. We encourage you to stay the course. We pledge you our continued assistance and wish you the very best as you move toward the many decisions you will be making. Thank you.

1510

**The Chair:** Thank you, Mr Scott. The official opposition has one minute.

**Mrs. Munro:** Thank you for being here today.

I want to ask you a question that perhaps you might feel initially is a little further out from what you presented us with. On page 6, you mentioned Places to Grow, and that sort of twiggled in my mind, because there have been those who have come before us and suggested that with the presentation of the legislation we have before us, it's as if we're trying to hop on one foot, that the other half of the equation hasn't been presented, hasn't moved along in the same way that this has.

I wondered if, with your experience on the Niagara Escarpment Commission, you would agree that one of the limitations to what we're looking at today is that it is not accompanied by a plan for growth.



**The Chair:** Mr. Scott, you have no time to answer the question. The question was too long. I apologize.

Our next speaker is Ms. Churley. You have one minute to ask your question and get an answer.

**Ms. Churley:** Thank you very much for your presentation. I think you made some excellent suggestions in terms of amendments, and we'll be taking a good look at them and will move forward. It was a very good presentation.

**The Chair:** To the government side.

**Mrs. Van Bommel:** Very quickly, you mentioned compensation and land values. Could you tell me what has happened to land values on the Niagara Escarpment since the establishment of the Niagara Escarpment Commission?

**Mr. Scott:** Since the escarpment commission was established, the land values, according to the couple of research reports that were prepared by qualified appraisers, have increased upwards of up to 50% more, as compared to comparable properties outside the escarpment.

**The Chair:** Thank you, gentlemen, for your delegation. We appreciate you coming out today.

#### SCOTCH BLOCK LAND OWNERS GROUP

**The Chair:** Our next group will be the Scotch Block Land Owners Group. Gentlemen, I'm going to give you a couple of seconds. I'd like the flurry at the back of the room to be clear so we can hear your delegation.

Welcome. If you could identify yourself and your group for Hansard, please, and when you begin, you have 15 minutes.

**Mr. Robert McClure:** Thank you. I'm representing the Scotch Block Land Owners group. I am Robert McClure, and Ross McClure is here with me. Madam Chair, ladies and gentlemen of the standing committee on general government, thank you for the opportunity to speak before you today representing this group.

We, as landowners in the town of Halton Hills in the region of Halton, are here today to comment on and make recommendations regarding Bill 135.

We would like to advise you that the town of Halton Hills council has rescinded a previous motion they made as a resolution in their original response to the province on the greenbelt plan and Bill 135. The motion, dated January 14, 2005, is an attachment to this submission. We ask Minister Gerretsen to respect the request of the town of Halton Hills council in this matter.

Our second comment is that we feel local governments should be allowed to continue governing land use planning, as they are most in touch with the uniqueness of their communities. The region of Halton's and the town of Halton Hills' official plans contain land use policies and designations that protect prime agricultural land and environmentally sensitive areas and preclude urban development within these 4,700 acres.

We have recommendations.

Recommendation 1: Time must be allowed for amendments and recommendations to be properly considered. This process has not afforded the minister responsible for this mandate the time to fully understand the ramifications of this life-altering decision by government on the farm families of Ontario, when a large number of farmers are already struggling to survive in the global agricultural market place.

Recommendation 2: Address Halton region uniqueness.

To say that farmers in Halton region can continue to do what they are already doing is not an acceptable response, because many farmers cannot continue, as they are now at retirement age. The average age of farmers in Halton region is 56 years old. This age will definitely rise in this region because the next generation of farmers in the business of food production will not buy farms in this area of the urban shadow. The reasons are very clear to us, but for your better understanding of our unique situation in Halton region, I will address them with 6 points.

(1) The farm support infrastructure has left this region because of the lack of full-time farmers. These support businesses can only survive in areas of large-scale commercial agriculture. The support network includes farm equipment sales and service, grain and feed suppliers, dairy equipment sales and service, and the office of the Ontario Ministry of Agriculture and Food.

(2) The greenbelt plan and its regulations will not reverse this trend but will only be detrimental to the continuing viability of this area, because we won't be on a level playing field with intensive agricultural communities.

(3) The extra time spent traveling to deliver crops, purchase machinery, parts, feed, chemicals and fertilizer is time spent away from the farm, increasing the cost of production in this area.

(4) When service is required on the farm, the extra distance and time is also adding to the cost of production.

(5) This area is becoming less livestock intensive and more crops are leaving the farm. This requires extensive use of rural roads, which are becoming less able to accommodate agricultural machinery and commuter traffic, making it very dangerous to move crops and increasingly larger machinery from farm to farm and from farm to elevator. This is a risk that is real, and young farm families can't accept that extra liability in their farm business.

(6) Farm families have always had a sense of community. I say this as a fifth-generation Canadian farmer. We take pride in our farmsteads and those around us. Young farmers can't see this community culture remaining in this area because of the fragmentation that has already taken place. I know this is important, as I have been a full-time farmer for 35 years.

We recommend that Halton region be excluded from greenbelt protection in regard to agricultural lands, because Halton region already has farmland protection in place within their official plan. The farmers of retirement age cannot be left without options at this stage of their



life. Bill 135 leaves them only one option, which states that they or future generations must farm their land forever. We trust you understand that this isn't an option. We are already seeing Halton-region farm leases not being renewed between younger cash crop farmers and long-time family farm owners because commodity prices are far below the cost of production.

**Recommendation 3:** Farm equity protection and corrective measures must be addressed in the regulations.

Saving farmland does not save the farmer without addressing viability or retention of equity in their property values. Farmland equity is an important part of any business plan when a farmer approaches a bank for business financing or mortgage renewal. If government insists on a cheap food policy, they must protect those whom they want to produce the food. The regulations must prove to farmers that government is committed to keeping the Ontario food production industry viable forever. We challenge the government to show us their business plan, and then we can deal with it in an educated manner.

**Recommendation 4:** Hard and fast environmental facts must be used when determining mapping.

The present mapping is unreliable and incorrect because common sense did not prevail. Presumption is a poor excuse for correctness. Mapping must be determined by meeting with people in the field on an individual basis. It is obvious that the mapping process to date has not been done with acceptable standards. Maps number 74 and 75 of the draft greenbelt plan, which show our Scotch Block group properties, are a clear indication of boundaries not being determined by science and fact.

**Recommendation 5:** Fairness in government legislation of this magnitude must be appropriately addressed. Fairness can only be achieved using the knowledge of key organizations within the agricultural community and allowing for an adjudication process if needed. In the future, if farmland values are proven to be reduced in greenbelt designation areas, those property owners must be compensated by some form of government program within the scope of Bill 135.

Ross McClure will now speak.

1520

**Mr. Ross McClure:** Good afternoon. My name is Ross McClure. I own approximately 98 acres in Halton Hills, being the west half of lot 9, concession 4. I'm here to briefly give you one point of view about the effect the greenbelt will have on young farmers.

My wife and I purchased my family's farm four years ago at fair market value, making me a third-generation owner of the farm. In order for us to do this, we had to obtain a very large mortgage to pay for it. We bought the farm to keep the land in the family and in the hope of farming it ourselves one day. Now we realize that day may never come. We both have to work off the farm in order to make our mortgage payments and pay all our bills.

I believe that the greenbelt will cut the value of our land in half, at best. Because the greenbelt will diminish farm property values throughout, we may in fact lose our farm for this reason, as we would owe more money than our property is worth. I believe that the banks would not grant an extension of our mortgage when they find out, through a required appraisal, that the value has decreased substantially. In this circumstance, the bank would take over our property and everything we have worked for all our lives. We would be left with no savings, no home and no money to purchase another one.

**The Chair:** Thank you, gentlemen. Each party has two minutes. Ms. Churley will begin.

**Ms. Churley:** Thank you very much for your presentation. It's always good to hear from people who are directly affected, because we do hear from a lot of the major organizations—so I appreciate that.

I just want to ask you, in terms of the issues that are affecting the smaller family farm particularly, what other kinds of things are happening that you need to see changes to, in terms of government policy, to help with what I understand is a really drastic and almost a crisis situation, especially in the small family farm community?

**Mr. Robert McClure:** I have to speak specifically about our area, because that's what we're speaking about. I have addressed the fact that once a farmer isn't on a level playing field, he will never dig himself out, because infrastructure will never return to the area of Halton Hills. That's a fact; you have to understand that.

On top of that, there are a number of pieces of legislation coming in now that will restrict intensive livestock operations in Halton Hills. A land base is not available. A younger farmer can't afford to buy another farm just to be able to produce livestock to make a living. There are prime examples of the second generation wanting to farm, but a hog farmer can't build a barn big enough to sustain two farm families because of already fragmented happenings in the Halton region. Land bases are so close to urban development that that can't happen. So you're losing a generation of farmers just from what has happened in the past, and we have no control over that. There's BSE; there's nutrient management. Farmers have—

**The Chair:** I'm sorry. I'm going to have to interrupt; otherwise, we won't get more questions in. The government side—Mrs. Van Bommel, you have two minutes.

**Mrs. Van Bommel:** I would just like to go further into the issue of the farm. You're talking about the value of the farmland. You mentioned that you bought your farm at fair market value, and you're saying that now you're concerned that the land would be devalued to half. How do you come to that conclusion?

**Mr. Ross McClure:** I've been talking to a couple of real estate agents, and I'm just quoting one—her first statement on a farm property in a relative close area to ours, a property located outside the proposed greenbelt area. So now the clause of the greenbelt area must be shying people away, at best.



**Mrs. Van Bommel:** You're a young farmer, so I'm assuming that you want to grow your business. I'm a farmer, you know, and when you're first starting out, you want to grow the business. I would think it would be an advantage to you if the lands stayed at the agricultural values rather than you having to compete with the speculators to buy the farm or to buy more land.

**Mr. Ross McClure:** But when I bought the property four years ago, there was no greenbelt, so the property was worth a lot more than it will be if the greenbelt is proposed.

**The Chair:** You only have 13 seconds to have this conversation.

**Mrs. Van Bommel:** I'm just looking at it from the perspective of a young farmer. My husband and I are bigger than our parents were in their farm operation. I fully expect my son would be too.

**The Chair:** Thank you, Mrs. Van Bommel. I'm going to have to cut you off and give the last two minutes to Mr. Hudak.

**Mr. Hudak:** Thank you, gentlemen, for the presentation.

A simple answer would be some sort of monitoring process. The OFA has suggested that; the government so far has rejected that. Maybe to answer Mrs. Van Bommel's question, they'll agree to that monitoring process.

The problem I have with the lack of science behind this plan is that there's only one avenue for appeal: the minister himself. You know the minister, you've got a contact in his office, you go to the right fundraiser, and you might get your appeal; otherwise, you're out of luck. Do you think that's a fair process? What would you suggest would be a fair way of determining whether these boundaries are accurate?

**Mr. Robert McClure:** I think a fair process would be to monitor land values. Obviously, you have to compare oranges to oranges, just like in anything you do. I mean, land outside the original greenbelt area is priced at a certain amount; land inside is priced at a certain amount. So there's something already there. There have been recent sales. It's all recorded. There's no big job in determining that. So if there can be a determination by present-day market value, that's what we have to go by.

I think there has to be an adjudication process, like I mentioned. There has to be some way of dealing with certain instances. That's why I think each individual property owner should be consulted beforehand, and then everything can come out on the table.

**The Chair:** Your time has expired. Thank you very much for coming this afternoon.

#### EVERGREEN

**The Chair:** Our next delegation is Evergreen.

Welcome. If you could state your name and the organization you represent, and when you begin, you have 15 minutes.

**Mr. Stewart Chisholm:** My name is Stewart Chisholm, and I represent an organization by the name of Evergreen.

I'd like to start off by thanking Madam Chair and members of the standing committee for the opportunity to speak to you today. As I mentioned, my name is Stewart Chisholm and I'm representing Evergreen, a non-profit environmental organization with a mission to bring nature back to our cities.

For more than 15 years, we've worked with municipal governments and community organizations, supporting their efforts to protect, restore and steward green spaces in urban and urbanizing areas. The focus of my presentation today is going to be the long-term care and stewardship of the greenbelt and the enormous opportunities to achieve this through community-based partnerships. The comments I'm about to deliver today are also summarized in our submission to the greenbelt plan, which we submitted to the government last December. I believe you have copies of that.

I'd like to start off by congratulating the province for its leadership and vision to protect the last remaining green spaces within this rapidly urbanizing part of the province. We feel that it demonstrates a commitment to the protection of our natural, open green space heritage that hasn't been in evidence for decades.

#### 1530

However, I'd like to remind the members and the government that protection is only the first step to achieving the greenbelt's objectives. To ensure that the greenbelt's integrity is successfully sustained over the long term, the Ontario government must support local efforts to steward important community green spaces and natural areas within the greenbelt area.

If there's one message I'd really like to deliver strongly today, it's the concept of partnerships. I realize partnership is not a concept that's new to the provincial government, but it's one that I feel is totally underutilized when it comes to community-based initiatives for protecting and stewarding green spaces in urban and urbanized areas.

I'm going to refer to community naturalization, and by that I mean a process by which local communities work collectively together to transform publicly accessible, degraded landscapes within their communities into healthy, dynamic, urban natural-area ecosystems. Community naturalization itself offers a number of key important benefits, and I'll just list a few of them very quickly. The point I'd like to make here too is that this is not just about environmentalism; this is about many other aspects that reach deeply into our lives.

First, community building: When you have a group of people working together collectively on a community-based project, it gives people the opportunity to work together toward a collective end, and through the process of getting to know your neighbours, you build stronger communities.

Second, education: To build support for the greenbelt initiative, the province must ensure that people under-



stand its significance and develop a sense of ownership over the protected lands. The best way to achieve this is by providing people with first-hand experience to learn about it. Of course, there's no better way to learn than by getting your hands in the dirt.

Third, I'd like to talk about the economic components of protecting the greenbelt. Green space protection itself enables municipalities, the provincial government and other agencies to significantly leverage their scarce dollars by working collaboratively with community partners in the non-profit sector. Again, this stretches limited dollars and provides new opportunities for community members to get involved.

I'm talking conceptually here, but I'll give you a very concrete example of one of the projects we're involved in. We've been working in partnership with the town of Richmond Hill over the last couple of years at a site called Briar Nine. It's a very interesting park space because it's basically on the urban fringe of Richmond Hill, so there's lots of urban sprawl happening around it. As a municipal space, the city has budgeted \$50,000 in its capital budget to transform this underutilized green space into a much more well-programmed community space.

By working in partnership with the town of Richmond Hill, what we've been able to do is leverage dollars from sources that aren't available to municipal government, i.e. from the corporate sector, private foundations and other levels of government. On top of that, what we're able to do is mobilize community efforts to get community groups to come out to the site to plant trees and that type of thing. And it's not just about planting trees in the ground; it's much more than that. It's about us going out to local schools, to seniors' groups, talking about the significance of the green space and getting them to come out to participate and, again, build a sense of ownership of the site. So in addition to the financial benefits that come to the town, it basically means that the community plays a much more active role in the management of green spaces that are important to them.

By giving you this example, this just demonstrates that greenbelt protection is not just an environmental issue; it indeed is one of local economic development, public health, leveraging dollars of different levels of government, and community engagement. I urge the provincial government to consider this when you develop your messaging to promote the greenbelt to the citizens of Ontario, so they can see that it's more than just about environmentalism.

But the benefits of green space and community participation don't happen on their own. We really need the support of different levels of government and the municipal sector to make these projects happen. From our observation as largely an urban-based, non-profit environmental group, there's a huge opportunity, especially in the 905 communities surrounding Toronto, to engage community groups. We do see that there are community groups that are active in this area, but these groups tend to be much more focused on specific sites and hinterland wilderness landscapes as opposed to urban natural open

spaces. So the opportunity for the provincial government to get these groups more active is one that I think is quite huge.

What can the provincial government do to help increase stewardship within the greenbelt area?

First, I'd suggest providing new funds to non-profit organizations that we can use to leverage dollars, like I said, from other sources, including the corporate sector and other levels of government. The provincial government is already doing a very good job at this. For example, the Ministry of Natural Resources has its community fisheries and wildlife improvement program, and the government is already disbursing funds through the Oak Ridges Moraine Foundation—so building on that type of funding foundation.

Second, we need to support training initiatives that enhance the capacity of both municipalities and local stewardship groups to take on these projects. Currently, I've been delivering a series of professional training workshops that I developed in partnership with the Ontario Professional Planners Institute. That's basically going out to municipalities across the province and saying, "There are different partnership approaches for protecting green space and there are different ways for you to get involved in doing this." The argument we always hear back from the municipalities is, "We are working with a few community partners, but tell us how we can become more strategic and more comprehensive in developing much more advanced partnerships with community groups." They see the opportunity. They'll see within their watershed different community groups working in different areas, but a lot of times they don't have an overarching strategy. The point is, there's a huge opportunity here to train municipalities so that they can become more strategic in working with their community partners.

Also think about providing in-kind support to the local community groups that work in the area. By "in-kind support" I mean that these groups are very resourceful and they operate on a shoestring budget. So if the province is even able to offer administrative support, help them get their newsletter out, provide office space in surplus buildings, little things like that, which don't actually cost the province hard dollars, go a long way in leveraging the limited resources of these community organizations.

Last, there's a great opportunity for the province to demonstrate environmental leadership on appropriate provincial lands within the greenbelt. What I'm talking about here is showcasing best practices, taking the lead and working with some of the local stewardship groups to transform degraded provincial lands into ecologically diverse native plant habitats. Some of the opportunities that I think are available to you are lands that are owned by different provincial ministries, crown corporations and agencies such as the Ontario Realty Corp.

Just to summarize here, partnerships between the province and non-profit organizations are critical to the successful implementation of the greenbelt over the long



term. NGOs such as Evergreen are able to mobilize community efforts and facilitate the development of diverse partnerships. To inspire this type of work, what Evergreen has been doing over the last 14 years is working with municipalities across Canada, developing a comprehensive program strategy that provides support to professional land use decision-makers at the municipal level, as well as working with our community partners. By raising funds from different sources, we're able to bring new dollars to the table. For example, through our corporate partnerships, we ourselves are providing \$400,000 in funding to community stewardship groups across the country.

We're also, as I mentioned, providing professional training to land use decision-makers. We have a whole family of practical resources for both land use decision-makers and community groups, such as how-to guidebooks, municipal policy guidelines, case studies etc., basically to increase awareness and understanding of why we need green spaces in our urban areas.

Finally, we're also involved with the city of Toronto and a number of other partners to transform the former Brickworks factory in the Don Valley into a cultural centre that brings together history, culinary arts, environmentalism, youth programming and a number of other diverse sectors under one roof, to transform a degraded historical site into a really dynamic green space that showcases what's possible when a multitude of partners work together.

To wrap up, we welcome the opportunity to work with the provincial government and other stakeholders in this important issue by contributing our knowledge and resources toward the protection and implementation of the greenbelt.

I'd like to thank the members of the committee for giving me the opportunity to speak to them, and I'd be pleased to answer any questions. Thank you.

**The Chair:** Mr. Chisholm, you have left each group with a minute and a half. The government side.

**Mr. Tony C. Wong (Markham):** Mr. Chisholm, I'm from Markham. About three years ago, we had the opportunity to work with Evergreen on a Thornhill project, and it was extremely fruitful. I take it from your presentation that your organization feels that the proposed legislation would enhance these good land stewardship activities, as well as community naturalization. Do you foresee an increased level of such activities and, also, do you feel that the science behind the proposed legislation is adequate?

**Mr. Chisholm:** I feel that the legislation is a very good opportunity to increase the type of activity that I've talked about. The important thing to note is that it's not going to happen on its own. Protection is an important first step to securing the lands and making sure they're protected in perpetuity, but lands that are protected without a greater plan and vision in place to ensure that they're looked after mean that the greenbelt won't be sustained over the long term.

1540

In our view, the worst way to protect a piece of property is to fence it off and say, "This is protected landscape." If you want to protect a landscape, you need to have the community engaged. I use the term "ownership," not meaning, of course, that they're owning it but that they feel a sense of responsibility over it. That's not going to happen on its own, and that's why I'm urging the provincial government to think about ways it can make stewardship happen throughout the greenbelt.

**The Chair:** Mr. Hudak, you have one and a half minutes.

**Mr. Hudak:** Mr. Chisholm and Evergreen, thanks for the very well done, very sincere presentation. I like your point, and the OPPI would probably agree with you. Public planners would say that land use planning alone isn't going to make an effective green strategy, that you need a support plan. The OFA made that point a bit earlier on in different words. I believe, for the Oak Ridges moraine plan, there's about a \$15-million fund set aside to help the issues behind ORM.

Can you just give me an example: How much do you think would be a suitable amount of funding to help Evergreen get some good projects off the ground?

**Mr. Chisholm:** It's hard to use a dollar figure without the context of a specific project, but I would say that this work definitely comes very inexpensively, and that's solely because of the resourcefulness of the community partners we work with. We have dedicated volunteers who bring incredible expertise and knowledge as well as sweat equity to these projects.

For example, some of the projects we're involved in funding right now, even the largest projects that happen over a multitude of years, quite often come in for under \$100,000, and quite often less than \$50,000, for a large watershed-based ecological restoration. In a local community park, sometimes we're talking just tens of thousands of dollars. So very little money goes a long way.

**The Chair:** Ms. Churley, the last minute and a half.

**Ms. Churley:** Thank you very much. I have a lot of good things I'd say about your organization if I had time. You do great work. I'm particularly pleased with the work we're all about to engage in at the Brickworks, which is in my riding. When we were in government, we put the initial funding into saving that site, and I'm just so pleased that you're working in partnership with us all to do even more work on that.

It is a really good example, if people want to look at an example, of the kinds of partnerships you're talking about: the community, government, municipality, everybody working together. I should just say to government that this is an organization that requires very little money to do an awful lot of good work with the community. Any proposal that you put forward to enhance the work you do, let me know and I will be there to back you up. Thank you for all the good work you're doing.

**Mr. Chisholm:** Thank you for those comments. I appreciate that.



**The Chair:** Thank you very much for your delegation. We appreciate your time here this afternoon.

ALLAN ELGAR

RENEE SANDELOWSKY

**The Chair:** Our next delegation is Mr. Allan Elgar.

**Mr. Allan Elgar:** I'll be splitting my time, like we did last time, with a fellow councillor.

**The Chair:** Can you identify yourself, who else will be speaking and what city you're from.

**Mr. Elgar:** My name is Allan Elgar. I'm a regional and town councillor in Oakville and Halton region. I'm representing myself today. Here to speak with me is Councillor Sandelowsky, who is also a town councillor in Oakville. She will be speaking first.

**The Chair:** Mr. Elgar, you'll have 10 minutes.

**Mr. Elgar:** I appreciate that.

**Ms. Renee Sandelowsky:** Hi. Thank you for letting me split the time. I'm Renee Sandelowsky. I'm a town councillor in Oakville, but today I am here not only as a resident of Oakville but as a proud resident of Ontario. I am so pleased with the direction that this government is taking with Bill 135.

Before I begin my remarks about Bill 135, I just have to tell you all how excited the residents of Oakville are about your decision to protect the provincially owned lands in north Oakville, as promised. We're thrilled that the majority of the provincially owned lands will be preserved and we see that these lands, together with our proposed natural heritage system in north Oakville, will provide the backbone that's necessary to help support the intense growth slated for the surrounding area.

We also very much appreciate MPP Flynn's visit to Oakville council to clarify the province's position on zoning for our natural heritage system. We are encouraged when we read section 34(1)3.2 of the Planning Act, and many of us agree that zoning is clearly the immediate solution for protecting these lands. Unfortunately, in my opinion, our town staff thinks otherwise and tells us that we must purchase the lands so that we may manage them. If you'd like to help make peace between the two different schools of thought, please feel free to include our natural heritage system in the greenbelt plan. As much as I'd like to say more about that, I need to make sure I have enough time left to tell you what I think about Bill 135, but suffice it to say you've done a wonderful thing. Future generations will thank you, and so do we.

Now for Bill 135: I'm honoured to have the opportunity to speak to you again about the Greenbelt Protection Act. I will not repeat my remarks from last time, but I'd like to tell you that my support, as well as the support of many residents in Oakville, has only grown stronger. Even though you may not have received additional comments from those residents, I think you can appreciate that the many residents who already made comments may not have realized that they had another opportunity to do so. My remarks are as follows.

First of all, the recent Neptis Foundation report tells us that currently in southern Ontario, only 19% of our green lands are fully protected. The report explains that development is permitted on the rest of the green lands if it can be shown that there will be no negative impacts on the feature and its functions: "However, it is difficult to conclusively demonstrate negative impacts, especially where development is proposed adjacent to but not actually within a feature."

Given the destruction and degradation of five out of seven environmentally sensitive areas in Oakville, I can wholeheartedly attest to the truth of that last statement. We've lost or have almost lost three of these five ESAs to development that was adjacent to these features. That's right: the development that was supposedly conclusively demonstrated to show no negative impact.

Secondly, I've learned from the Neptis report that the total amount of green land in Halton region is 38.7%, and out of that, only 4.1% is currently fully protected by stringent policies that prevent or tightly restrict development on it. The remaining green lands are, as Neptis puts it, "subject to varying degrees of insecurity."

Given all we know and all we continue to learn, we need to act now, before all of southern Ontario is paved over. It's clear that we need better and broader protection for our green lands. We need the Greenbelt Protection Act, but we need it to be even stronger. The Greenbelt Protection Act is a great start, but let's not stop there. We need protection for natural spaces in urban areas as well. I believe that important natural heritage areas outside the greenbelt area deserve equal protection with those lands in the greenbelt area. Take Oakville's proposed natural heritage system, for example. Are those lands less valuable than those in the greenbelt? Absolutely not, and I suspect they're under a great deal more pressure from development than the lands included in the greenbelt.

And let's not forget our farmers. We must ensure that farming be made viable. After all, we can't survive without our farms, and the way it looks now, not too many in the next generation appear to be interested, and that's bad news for all of us.

Dr. Riina Bray, one of the authors of the recent Ontario College of Family Physicians research document, Report on Public Health and Urban Sprawl in Ontario, says it best: "The preservation of green space, or the natural environment, is essential to human health. People cannot lead healthy lives without farmland to grow local foods, forests to help purify the air, wetlands to provide safe drinking water and natural surroundings for recreation. Without green space you get floods, increased temperatures and increases in water pollution and water-borne disease."

Jan Kasperski, executive director of the Ontario College of Family Physicians, hopes that their research review will be a guide for provincial and municipal governments as they make important land use decisions. She goes on to say that the review shows clearly that how we choose to build our communities has a direct impact on the health of our citizens, and it's important that gov-



ernments develop and implement strategies to control sprawling growth and plan for safe, healthy and integrated communities.

That's why I believe we need Bill 135. Thank you. It's Al's turn.

**Mr. Elgar:** My name is Allan Elgar. I'm a regional and town councillor in Oakville and Halton region. I'm speaking on behalf of myself today.

Please accept my sincere appreciation for the opportunity to speak to you today. Thanks for moving forward with a bold and visionary plan to establish a permanent greenbelt across the Golden Horseshoe. I strongly support the greenbelt plan, which supports agricultural land use and protects natural systems that sustain ecological and human health. We have waited a long time for a provincial leader who actually believes in protecting green space and fighting urban sprawl.

With regard to the ORC lands in Oakville, not only are the residents of Oakville ecstatic, but it is also a great time in Ontario because the democratic system worked. The people spoke and the government listened and acted. That's how a democracy is supposed to work, and we're very proud today to be Ontarians.

It hasn't always been that way in Ontario. A few years ago, Mike Colle of the Liberal Party introduced the Trafalgar Moraine Protection Act in the Legislature, which was supported by both the Liberal and NDP members of Parliament. However, the Conservatives defeated the act. In 2004, Oakville hired Environics to do a survey, which showed that the single most important issue facing the community today by far was urban sprawl and rapid development, and they went on to say that this proportion had increased dramatically since 2001.

I have personally received thousands of e-mails from residents in Oakville and the GTA who are concerned about our rapidly vanishing natural areas and our environment.

**1550**

Decreasing forest cover—the lungs of the earth—has impacted on our air quality. Environment Canada, the Ontario Ministry of Natural Resources and the Ontario Ministry of the Environment indicate that the percentage of woodland cover in a watershed should exceed 30%. American Forests recommends that 40% woodland cover should be maintained to benefit air quality. In Oakville, our forest cover is at 12% and is decreasing fast as development progresses.

Please continue to listen to the people, the regular people, those who voted for this government because they hoped very much that you would listen to their concerns about our environment. The regular people out there are worried about clean air and clean water and leaving a legacy for their children. The regular people are worried that there will not be enough farmland left to feed the residents of this province.

Please do not weaken the greenbelt protection plan, and please ensure that farmers can make a living farming. If there are certain initiatives required so that farmers will

continue to farm, I would support that. What I don't support is catering to special interest groups such as developers or land speculators. I am absolutely and vehemently opposed to giving land speculators bonuses because they happened to speculate in the wrong place. Does the government bonus residents who bought bad stocks? Then why would we bonus a developer for buying environmentally sensitive land or agricultural land?

I urge you to adopt the following recommendations. I'm just going to read them in bullet form.

(1) Eliminate the loophole that needlessly redesignates 180,000 acres of rural lands to urban uses and, instead, freeze all current urban boundaries for 25 years.

(2) Expand the greenbelt to include an estimated 800,000 acres of natural heritage features located adjacent to the greenbelt. In Oakville, the Ministry of Municipal Affairs is a member of our interagency review team and has taken a leadership role in working to identify elements of the natural heritage system. According to a town staff report, the ministry has been advised that the town will need additional tools and assistance to implement the system. I would ask that this particular natural heritage system be included in the greenbelt plan or that specific boundaries should be ecologically based and not politically based.

(3) Provide permanent funding for a permanent greenbelt.

(4) Protect all natural features connecting the greenbelt lands to Lake Ontario, not just the major rivers that connect to Lake Ontario.

(5) Expand the government's greenbelt to the rest of southern Ontario, based on the NOAH proposal, which is the Niagara Escarpment to Oak Ridges moraine north to Algonquin Park/Adirondack Park heritage system, for a total greenbelt area of at least five million acres.

(6) Ensure that all planning decisions "shall conform to" the guidelines contained in section 3 of the plan.

(7) Ensure that the Greenbelt Act applies to all land use applications currently in the system, whether before the Ontario Municipal Board or any other decision-making body.

(8) Ensure that the natural heritage features within the greenbelt cannot be reduced in size in any future land use decisions.

(9) Create an independent greenbelt commission, similar to the Niagara Escarpment Commission. This commission would be charged with implementing the grand, long-term vision of the Greenbelt Act and ensuring that local municipalities and regions adhere to the act.

Incorporating these recommendations into the Greenbelt Act would mean true and lasting protection of our precious natural heritage. It would make the grand and bold Greenbelt Act even grander and bolder. Failure to do so will mean that urban sprawl will continue to spread like a cancer in the GTA, with disastrous consequences to our clean air, clean water, wildlife and our children.

**The Chair:** Thank you both. You've only left 23 seconds for questions, so I appreciate your passion. The



fact that you got it all in was very impressive. Thank you very much for coming. We're going to have to move on to the next delegation. We've exhausted the opportunity to speak to this.

**Mr. Elgar:** Thank you so much.

### HALTON REGION FEDERATION OF AGRICULTURE

**The Chair:** Our next group that will be appearing is the Halton Region Federation of Agriculture.

Good afternoon and welcome. Thank you for coming. Could you identify yourselves and the organization you represent. When you begin, you will have 15 minutes.

**Mr. Lieven Gevaert:** Thank you, Madam Chairman. My name is Lieven Gevaert. I am a director of the Halton Region Federation of Agriculture. Our federation represents approximately 400 families or 400 members.

**Mr. John Opsteen:** My name is John Opsteen. I'm the president of that organization. As well, we're both farmers.

**Mr. Gevaert:** We would like to present the following comments. Because there are many relevant topics, we could talk here for two hours. Here are some of the topics we will not represent: the greenbelt plan duplicating and confusing the proven successful Halton region planning process; the greenbelt plan enforcement with sticks and no carrots; no appeal process; planning chaos in the rural areas of the GTA; severe time constraints in the process; unclear definitions in the plan—I'll mention section 3.2.4; such words as "significant," "seepage areas," "streams" and many more; recognition by the people of Ontario that greenbelted ones will give up property use rights, will give up property equity, will give up future restrictions for the stated benefit of all Ontarians, and I will add that we have recommendations on how the process would work. We are not speculators. I have lived in the same place for 31 years. I am not a speculator. We have examples of how this can be done. And finally, there is insufficient coordination between the greenbelt study and Places to Grow.

We will concentrate on three issues: (1) priority on Places to Grow, (2) farm viability, (3) science and greenbelt boundary setting.

The Places to Grow document is the prime document to plan for the population increase in southern Ontario for the next 20 or 25 years. One of the basic principles of this document is that there will be urban densification for all the good reasons given, such as better use of infrastructure, less gridlock, lower transportation energy requirements and, some people say, greater efficiencies in use of water and sewage infrastructure.

Urban densification priorities would delay the urbanization of rural farms for the next 10 to 15 years. However, there must be a huge social mindset change for all Ontarians if urban densification is to become accepted. We respectfully recommend:

(1) Prioritize Places to Grow and implement urban densification first, to reap those obvious, immediate previously mentioned benefits.

(2) Implement the greenbelt plan after the Places to Grow plan has been properly implemented.

I will now let John speak on farm viability.

**Mr. Opsteen:** The proposed greenbelt plan sets out an admirable goal, which we support, of protecting prime farmland. The plan doesn't take into account that it is not effective to preserve farmland without preserving the business of farming and farmers.

Soil type and climate are only small factors in defining what prime farmland is. Other factors, such as agricultural infrastructure, proximity to suppliers road safety factors, and many more, need to be considered when defining prime farmland. The simple designation of land will not have the positive effect on agriculture that the greenbelt plan intended.

Viability of farming must be addressed before the implementation of the greenbelt takes place. The business of farming and farm viability is very complex. This is why we would recommend the following:

(1) That the government strike a task force on the issue of the viability of Ontario agriculture inside and outside the greenbelt, looking at the full economic effects of the greenbelt, and that the government put a plan in place based on the recommendations of this task force before the greenbelt is enacted.

(2) That the greenbelt plan be changed to "the agricultural greenbelt plan." The reason for this request is that some members of the public hear terms like "greenbelt" and "protected countryside" and automatically think "park." For many reasons, such as liability, biosecurity and trespass issues, this change in name will change from a park mindset to a agricultural mindset. The issues of liability and trespass, and especially biosecurity, are all things that are very important and need to be studied further.

(3) To ensure a level playing field for all farmers in and out of the agricultural greenbelt, an adjudication body that is farm knowledgeable, such as a normal farm practice tribunal or a Halton agricultural advisory committee model should be enacted.

(4) Farming equality in the agricultural greenbelt should be enshrined for the present and the future.

(5) It is unclear what effect a greenbelt may have or is having on equity in the farming community. Therefore, we recommend a land value monitoring program be struck to look at past, present and future values of land and a commitment be made by the government to rectify any negative inequities through negotiations with the agriculture community, as this greenbelt is to be of benefit to all Ontarians.

(6) That the government look seriously at other models that save farmers from extinction, such as the Pennsylvania agricultural preservation model that the OFA presented.

Now I'm going to hand it back to Lieven.

1600

**Mr. Gevaert:** Science in boundary setting: There is a strong apprehension among farmers that the proposed greenbelt plan boundaries have been set in an illogical fashion, without scientific and logical guidelines.



During the November consultations, the LEAR report was stated to be the basis of science and logic in boundary setting, yet we were told there was no such written report and that we could not get a copy of it. Secondly, we were told that the computer data which backed LEAR was not available to us because of the data complexity.

Impartial, objective, scientifically based, public and transparent boundary-setting methods are essential if there is to be any buy-in, acceptance and perceived justice of those being greenbelted or not being greenbelted. I personally have had great difficulty on the various Web sites in finding the scientific background. Maybe I wasn't smart enough to find it. I'm going to show you three examples.

On map number 83—

**Mr. Opsteen:** These are all in your package.

**Mr. Gevaert:**—this area is proposed greenbelt. This is Oakville. This boundary is straight, except it flips downwards. You can see that—flipping downwards. There is no difference when you look at the land between here and here. My question is, why is that? My second question is, who owns it?

The second example is map number 78. This is in Milton. This is the Niagara Escarpment, and this here is the edge of the greenbelt. It is very interesting to note that there is a little gerrymandering going on over here, as you can see right here. My question is, what is the science, recognizing that the land here and here is visually no different and looks the same? So the question is, I wonder why that is?

Third, watershed is the basis of “in” or “out.” For this reason, things were added at Puslinch township and also in Dufferin. Watersheds that led to the Ontario lake streams were included and that's why this was added. This is a watershed which happens to be going toward Lake Erie. That initial part is greenbelted, but the majority of that watershed, which happens to be the Grand, is not. That is illogical science.

These are just three examples; there are many more. I'm just trying to make a point.

The recommendations we make are:

(1) That the government enunciate what the boundary-setting scientific rules are, that the rules be transparent, that the rules be open and that the rules be discussed with all citizens openly;

(2) That the scientific proposals be reviewed by the proposed greenbelted ones, that there be agreement and that the scientific rules be used to review the boundaries of each affected owner, whether he is in or out—there may be some people who are not in who want to be in;

(3) That there be an adjudication process to ensure that boundaries are set according to agreed-to principles, and if not, that there be someplace to complain and be heard; and

(4) That such principles as prime ag land, land with proven productivity capability, climatic conditions, watershed basis and sensitive features be included, not political boundaries and not land ownership.

When a farmer wants to plow and prepare his land in the spring, he will plan—and I've done this—by walking the fields to ensure that the fields are dry enough to work them. He doesn't want his tractor to get stuck in the mud, requiring the tractor to be pulled by his neighbour's tractor and himself be embarrassed to tears and lose all that time. We are certain that the government does not want to be embarrassed by a poor plan, a poorly implemented plan, just for the sake of inadequate planning and rushing.

We thank you very much, Madam Chair and standing committee, for the opportunity to present, and we welcome any questions that you may have.

**The Chair:** You have left us with a little less than four minutes. I'm going to give a minute and a half to each party, the opposition first.

**Mr. Hudak:** Gentlemen, thank you very much for your presentation. I know you've done a lot of work, and you've been kind enough to send some of this information on to me in my capacity as opposition critic.

You raise some real and alarming concerns on the map in your area. When I was in Caledon last week, and you were there too, in one night alone they had 69 individual errors on the map that the municipality felt were verified, felt were legitimate. That's 69 in Caledon alone in one night, which gives you real pause to wonder about how many there are across the greenbelt.

You used a very strong term: gerrymandered. What are you suggesting in terms of political interference versus environmental science? How would you solve it to give transparency?

**Mr. Gevaert:** The way I would solve that problem, and I'm only an individual, is that the whole process be open, that the rules of science be actually stated for the public, that there be no backroom deals and that each landowner be given the opportunity to evaluate his own through the scientific rules.

**Ms. Churley:** Thank you very much for your presentation. It was very good. Because there is so little time, I want to ask you about other types of provincial plans that would ensure farm viability. I know that goes well beyond just the greenbelt, to lots of other policies and problems as well. What do you want to see put in place?

**Mr. Gevaert:** I'll be terribly brief: What I want to see put in place is a task group that can address the issues. It is going to take a couple of years to look at these complex issues. The Bob and Lyle show was not given the opportunity in the short period of time to make an appropriate agricultural team.

**Ms. Churley:** Bob and Lyle who?

**Mr. Gevaert:** I'm sorry; the agricultural team special group were not given the opportunity—

**Ms. Churley:** For the record, I just wanted clarification.

**Mr. Gevaert:** They didn't have enough time.

**Mr. Opsteen:** Like we've stated, there are a lot of different issues and we need the time to look at them. Biosecurity is one. Right from the start, as a part of this greenbelt plan, they talk about public trails on private



lands and issues in that regard. Diseases within the agricultural community can really hurt and devastate an industry. An example is avian influenza in British Columbia. They're still looking at how it was all spread, and part of that could have been through people walking through those agricultural areas. No one wants to devastate an industry; no person just going for a walk wants to do that. But we have to deal with those issues before we enact a greenbelt, so we know what we're dealing with and we can educate the public.

**The Chair:** The government side.

**Mrs. Van Bommel:** Thank you for your impassioned presentation. I certainly have heard it and quite welcome it.

Under farm viability, you're talking about a level playing field for all farmers by the establishment of an adjudication type of board or panel. Who would sit on a panel like that?

**Mr. Gevaert** John, do you want to address that?

**Mr. Opsteen:** I would say a combination of government and farmers and people policing themselves, to make sure that we do this right, to create a level playing field. Just to give you an example, HAAC, the Halton Agricultural Advisory Committee—they advise the council of Halton—is mainly made up of farmers from different aspects of agriculture, just general people there who can be standing members, and councillors. They work together to come up with good recommendations for council. I think they do an amazing job.

**Mrs. Van Bommel:** Percentage-wise, what would you say, 50% farmers?

**Mr. Gevaert:** Approximately 70% farmers.

**Mrs. Van Bommel:** Is that the case in the AG advisory at Halton?

**Mr. Opsteen:** I would say it's about that.

**Mrs. Van Bommel:** Predominantly farmers?

**Mr. Opsteen:** Yes. If I may say, farmers are hardest on themselves. They police themselves very well. But those are the issues that we need to look at.

**The Chair:** Thank you, gentlemen, for your delegation today. We appreciate you coming out and giving us your submission.

1610

#### AGGREGATE PRODUCERS' ASSOCIATION OF ONTARIO

**The Chair:** The next group that will be appearing before us is the Aggregate Producers' Association of Ontario. Welcome. Could you identify yourselves and the organization you speak for today, for Hansard. You will have 15 minutes.

**Ms. Carol Hochu:** Thanks, Madam Chair, and good afternoon, ladies and gentlemen. My name is Carol Hochu. I'm president of the Aggregate Producers' Association of Ontario. Joining me today is Greg Sweetnam, from James Dick Construction, one of my members and second vice-chairman of our board of directors. We're pleased to be here today representing the interests of

Ontario's sand, gravel and crushed-stone producers, speaking on a matter of public interest.

Some of you may be unfamiliar with our industry's contribution to Ontario, although everyone in this room is a user of aggregate. Whether it's the road you travelled to get here today, the school your children attend or the hospital that cared for your ailing family member, all these sectors depend on a vital supply of close-to-market aggregate, as do the environment and our economic prosperity.

Let me add that the products we supply are not discretionary. The industry only supplies product that is required for construction and for which there is an immediate demand. Without aggregates, neither maintenance nor construction of infrastructure is possible.

Our purpose in attending today's meeting is to raise our industry's concerns about the impacts of the proposed greenbelt legislation. At the outset, let me say that our industry was very pleased when asked by the government to be a member of the Greenbelt Task Force. I, along with environmentalists, developers, government officials and others, spent countless hours trying to achieve a balance between natural features preservation and ensuring continued economic prosperity for the province. In large part, I think the task force succeeded.

Our recommendations to government last August contained some important statements, including:

(1) That aggregate extraction is a temporary land use, entirely consistent with the objectives of the greenbelt;

(2) That a close-to-market supply of aggregate is critically important if we are to protect the environment and invest in the aging infrastructure of the greater Golden Horseshoe;

(3) That a close-to-market supply of aggregate is an important way to guard against having more and more trucks hauling aggregate along the highways from other parts of the province;

(4) That the industry, working in concert with provincial agencies, local municipal officials and the community, develop plans for aggregate operations that are the least disruptive possible to the community and the environment; and

(5) That no priority should be automatically assigned.

We were very surprised to learn, then, that the draft greenbelt plan proposes additional restrictions in excess of what the task force recommended to government. We don't know why the government did not fully implement the task force recommendations, particularly in light of the serious and hopefully unintended consequences. Here are a few examples:

(1) The present provincial policy statement allows for aggregate extraction, taking into account the significance of the resource that is present and the broader environmental context.

(2) It is consistent with the Kyoto accord.

(3) It emphasizes adequate close-to-market supply for environmental, economic and social reasons.

(4) This policy has been in place for many years.



The greenbelt legislation, however, will sterilize the licensing potential of significant hectares of aggregate, resulting in the following outcomes: restricted supply with increased price and longer, more distant haulage, adding to gridlock, with more fossil fuels being burned and greenhouse gas emissions created, thereby pushing the perceived problem to someone else's backyard.

The government of Ontario, municipalities, school boards and hospitals will all feel the effect of restricted supply and increased price. At a time when the government is attempting to revitalize our aging infrastructure, this just doesn't make economic or environmental sense.

The relationship between the proposed greenbelt legislation and other policy statements is unclear. The environment and water resources are well protected in current legislation and planning. For example, the current provincial policy statement and environmental legislation and regulations appropriately protect groundwater and surface water, protecting headwaters and aquifers. The Aggregate Resources Act also requires water resources assessment when appropriate.

The proposed greenbelt plan would require municipalities to map key hydrologic features to ensure no development or site alteration. To unintentionally ban aggregate from recharge areas will dramatically alter our economy. Please remember from your geology 101 that aggregate is only found in recharge features—moraines, kames, eskers, outwash and limestone plains. Our industry, working in concert with other stakeholders, has managed successfully to protect key hydrologic features, making site-specific adjustments as necessary.

All resources in the greenbelt have to be considered and balanced. The ability to restore ecosystems or natural heritage features should be recognized. Rehabilitation opportunities have to be factored into the decision-making process. For example, woodlands are a renewable resource. Our industry has shown that we can rehabilitate land back to natural environment, including woodlands and wetlands. Prohibitions in the draft plan leave no opportunity to balance site-specific circumstances and potentially rob the province of vital supplies of aggregate.

As you hopefully know, the requirements for new pit and quarry applications are currently set out in the Aggregate Resources Act, a provincial act adopted by the Liberals in 1989 on the grounds it was amongst the most environmentally sustainable legislation in North America. This act is accompanied by stringent standards that must be adhered to by our industry.

As a responsible industry, we share the government's goal of speedy rehabilitation of aggregate sites as desirable and necessary. Some of you in this room might be surprised to learn that some of Ontario's greatest natural assets and tourist attractions were once aggregate sites, including the Royal Botanical Gardens, the Osprey Valley golf course and parts of the Kelso Conservation Area, to name but three.

The proposed greenbelt plan suggests a requirement to restore the site to the same feature of the same size in the

same location where certain natural features have been affected. This is in effect a prohibition by another name, especially for below-water quarries, which, incidentally, are the most critical form of new supply required. We would like to work with the government on a rehabilitation regime that is practical, workable and attainable.

We share the government's goal to minimize disruption to the community and the environment, because we live here too. As a past chairman of our board, one of our elder statesmen, once said, "We're not from outer space. We love Ontario too." We firmly believe that it's possible to protect the environment and not compromise Ontario's prosperity.

We continue to assert that a close-to-market supply is essential if we are to revitalize Ontario's aging infrastructure, reduce greenhouse gas emissions, ease traffic gridlock by reducing the number of trucks hauling aggregate from other parts of the province and keep the price of aggregate affordable for the broader public sector.

But you don't have to take my word for this. Studies have demonstrated that in the GTA we are running a 3 to 1 deficit in replacing depleted supply. In the past 12 years, only one tonne has been replaced for every three tonnes produced. For crushed stone there has been no replacement supply in the GTA for the past 25 years. Halton region, which has historically supplied 45% of the GTA's aggregate, will be depleted by 2010 unless new licences are permitted. These are alarming consequences for our province.

On the subject of recycling, our industry is actively involved in recycling and supports any and all initiatives to do more. Ontario's use of recycled aggregate is ahead of most other North American jurisdictions, but there are limits, and recycling will only replace a small proportion of the province's demand.

If aggregate is not available within the GTA, haul distances will significantly increase, as alternative deposit areas are much more than twice the distance from market. Imagine an additional 1.5 billion—that's with a B—kilometres of truck travel over 10 years and one million additional truckloads on the roads leading into the GTA each year to deliver the same amount of aggregate currently produced in the GTA. The environmental consequences are staggering. This additional truck traffic will add 2.25 million tonnes of greenhouse gases over 10 years. This amount is equal to double what the province hopes to reduce through the Drive Clean program. These millions of tonnes of greenhouse gases are the equivalent of adding 50,000 more cars each year into the GTA.

Financially, the increased transportation costs of importing aggregate currently produced inside the GTA is about \$4 billion over a 10-year period. Simply put, this is not a sustainable expenditure for the public sector.

**1620**

In summary, our industry remains committed to supplying the province of Ontario with vital aggregate resources to repair our aging infrastructure and to fuel



our thriving economy. We can do so with minimal environmental impacts. Ontario is at a critical juncture and must carefully consider how to preserve our natural features while not compromising our hard-won economic gains and future prosperity by unintentionally adding to costs and environmental degradation through transferred truck impacts. The aggregate industry is willing to do its fair share and will continue to work with the government during the weeks and months ahead to ensure the proposed greenbelt plan does not rob our province of this vital resource.

We appreciate the opportunity to speak to the committee. If time permits, Greg and I would be pleased to answer any questions you might have.

**The Chair:** We have a minute and a half for each party. Ms Churley is the first speaker.

**Ms. Churley:** Thank you very much for your presentation. I'm sure you've read some of my public comments and understand how I feel about this issue.

I have here a report by Pembina, and there are also the Environmental Commissioner's comments, which I'm sure you've read. I'm just wondering, because it's such a short time, how you know—you mention in your report that there is a supply problem. The commissioner and the Pembina Institute both say there is very little information about this. Where is this—

**Mr. Greg Sweetnam:** To use the example of crushed stone, which makes up 45% of the GTA market, recently our company flew over all of our competitors' sites and with aerial photography—it's a public document, OPA 161 in the Caledon hearing—we determined exactly, plus or minus 2%, what our competitors have in their quarries. That number, running out in 2010, is a hard, defensible number. The problem we have is that you get something like the Pembina, which isn't tested, other than in a very general forum like this. We would just love to get something like that with a hard surface behind them so that we could test that in a hearing type of atmosphere. We would carve that report to pieces.

The way we did planning in Ontario a number of years ago was that we did specifically target individual policies and test them in hearings. The one I'm most familiar with is the NEC five-year-review hearing. We used to do planning with a sniper rifle. We kind of moved to Lancaster bombers from 20,000 feet, where we're generally hitting the target, which was the Oak Ridges moraine. Now we're into what I call the era of nuclear weapons planning, when there are all kinds of unintentional consequences realized for something that had good intentions behind it initially.

**Ms. Churley:** I don't have time to pursue that, do I?

**The Chair:** You don't.

**Ms. Churley:** Too bad. Thank you.

**The Chair:** From the government side, Ms Van Bommel.

**Mrs. Van Bommel:** First of all, I want to thank you for your participation on the Greenbelt Task Force. You certainly brought information in that was very valuable.

On page 6, you talk about the Aggregate Resources Act, which requires rehabilitation of new pits. What are

we doing about abandoned pits? That is certainly a concern of the public, when you drive by and you see these great holes. How are we dealing with that?

**Mr. Sweetnam:** Currently, the industry funds a program called MAAP, which stands for—

**Ms. Hochu:** Management of abandoned aggregate properties program.

**Mr. Sweetnam:** Industry is funding the rehabilitation of anywhere between 15 and 30 sites a year and basically decreasing the backlog of those. That's something that isn't funded from the public purse; it's funded by industry money. The industry is making great strides, moving forward in getting those taken care of.

Interestingly enough, one of the greatest challenges of that program is to find landowners who currently own these abandoned sites and who are willing to allow our program to go in and rehabilitate them. For every four sites that are approached to do those rehabilitation projects, probably only one actually accepts our help, and it's done at no cost to the landowner.

**Mrs. Van Bommel:** Interesting. Thank you.

**The Chair:** To the official opposition and Mr. Hudak.

**Mr. Hudak:** Thank you very much to the APAO for their presentation. Ms. Hochu makes a good point, that the Greenbelt Task Force had done extensive consultations. They had forged together, I believe, a plan that they would describe as balanced, that worked to protect areas that are protected and at the same time made sure there was a support plan for farmers, a support plan for municipalities and such. Somewhere along the line, though, the Greenbelt Task Force's plan was changed through a political process of government. There are probably a lot of pages in here, parts that we could cross out.

*Interjections.*

**The Chair:** Could I have a little order so we can hear the question, please.

**Mr. Hudak:** Do you think members of the task force would agree that their recommendations have been fully adopted by the government in this legislation?

**Ms. Hochu:** I can't speak for the other members of the task force, Mr. Hudak, but certainly our assertion is that the task force recommendations of last August didn't fully translate into the draft greenbelt plan that was released at the end of October.

**Mr. Hudak:** In a variety of areas. The aggregates make this point, agriculture makes this point, the municipal sector, I think, is making the point, the building sector is making that point as well.

You talked about an approach that would be less intrusive for aggregates within the greenbelt area. Can you describe what that process would be and how you could persuade citizens that it could be restored to an environmental state?

**Ms. Hochu:** Are you referring specifically to the rehab opportunities? We certainly have lots of fine examples—and I mentioned a few in my presentation—that the industry can and must rehabilitate back to something compatible with the surrounding landscape. We've got



lots of great examples in the Niagara region and all through the greater Golden Horseshoe, where wetlands and woodlands and natural features have been restored and enhanced.

**Mr. Sweetnam:** I happened to note, walking into this building, that the stone to build this beautiful structure came from Caledon, and that quarry is now basically encompassed in a provincial park. You'd never know in a million years that there had been a quarry there, unless you knew where to look.

**The Chair:** On that note, we'll end. Thank you very much for coming. We appreciate you being here.

### FRIENDS OF BOYD PARK

**The Chair:** Our next delegation is the Friends of Boyd Park.

**Ms. Deborah Schulte:** Just a minute while I get this ready. I'm sorry to delay. I think it's warming up. While it's warming up, I just want to explain who I am.

My name is Deborah Schulte, and I'm the co-chair of the Friends of Boyd Park. That's a coalition of environmental and ratepayer organizations dedicated to protecting Boyd Park, and that park is in Woodbridge, in Vaughan, Ontario. I was also a member of the minister's Greenbelt Task Force.

**The Chair:** When you begin, you will have 15 minutes.

**Ms. Schulte:** I understand. I'm just trying to get—

**The Chair:** OK. You're our first show-and-tell today, so don't worry.

**Ms. Schulte:** I thought I'd try to do something different.

**Ms. Churley:** It's normally not the presenter's fault.

**Ms. Schulte:** Well, I don't know about that. I'm not very good at this stuff, and at the moment, I don't see anything on the screen. It should be coming up by now.

**Ms. Matthews:** Is it the same as what we have?

**Ms. Schulte:** You know what? It is. So let's just go with that. It's a little bit easier to see on the screen, and there's some detail in there that I would have liked you to see better, but just forget that.

I want to thank you, Madam Chair, for the opportunity of addressing this committee about our concerns with this legislation. We share the government's vision of protecting Ontario's most significant environmental and agricultural features in a greenbelt.

While we congratulate Premier McGuinty for launching this initiative, there are three critical areas missing from the greenbelt. One is Boyd Park, which has been called the finest forest south of the Oak Ridges moraine in greater Toronto by the Ministry of Natural Resources. Second is South Simcoe, arguably the finest non-tender fruit agricultural land in the province and now the subject of intense developer speculation. Also, there is North Leslie, the critical connection point between the Oak Ridges moraine and the headwaters of the Rouge River, one of the most sensitive and threatened environmental areas in southern Ontario.

Despite an overwhelming scientific consensus on the extraordinary significance of each of these natural resources, these areas have been excluded from the greenbelt. We want the Premier to know that the greenbelt will not be complete unless these areas are designated for protection. All these sites are listed as top 10 hot spots by the Greenbelt Alliance, of which Friends of Boyd Park is a member. Mr. John Tory and Mr. Tim Hudak have rightly criticized the government for excluding Marcy's Woods and Beverly marsh from the greenbelt, but these properties are locally and regionally significant. We respectfully ask, why have the government and opposition not called for the protection of north Leslie, south Simcoe and Boyd Park, when these areas have far higher ecological value?

I'll now direct the majority of the presentation to the actual presentation that you have in front of you.

1630

I just want to say that the greenbelt goals that are relevant for this particular presentation are: protecting, maintaining and, where possible, enhancing the natural heritage features and functions; maintaining or enhancing the quality and quantity of ground and surface water within the greenbelt; and supporting the conservation and promotion of cultural heritage resources.

Greenbelt boundaries should not be based on anything but science. I was on the task force, and we believed that we should have good science behind what we were doing. We've been assured repeatedly by the ministry staff and, recently, by the Honourable Greg Sorbara that sound planning and science should define the greenbelt, not politics. Science dictates that Boyd Park be included in the greenbelt. I have a stack of documents five times higher than this from MOE, TRCA, MNR and other consultants that have been studying the area, saying there's good science in understanding the importance of these areas and why they're so sensitive and need to be protected.

We are asking that the greenbelt be expanded to include Boyd Conservation Area and the East Humber River Valley. I'll get into that in a minute. Just so that you know, Boyd Conservation Area is located in the city of Vaughan, as I said, and it is just south of the existing greenbelt boundary. The understanding is that it's within municipal boundaries and that's why it was excluded. However, we feel that that is just not appropriate, based on its significance and its connectivity to the rest of what is in the greenbelt.

MNR states, as said before, "The Pine Valley forest is the best forest south of the Oak Ridges moraine within the greater Toronto area." We need this area protected. It belongs in the greenbelt because it's an integral part of the East Humber valley system and it abuts the greenbelt boundary. It's ecologically significant: It has the Pine Valley forest provincially significant life science ANSI and many associated ESAs. There's a map in there, which we'll get to in a minute, that shows you how extensive this area really is. It's an important recreational destination. It needs source water protection, and we'll



talk about that in a minute. It's already in public ownership, so there's no reason not to do it.

As I said, there's a map, and I wish I could have put it on the screen, because you can't see the detail, but the green and the lighter green are ANSIs and ESAs. If you take a look, it's quite extensive, going all the way from Boyd, which is below Rutherford Road—again, I'd like to have been able to point it out better to you—going up into Kortright, north Boyd, all the way up Glassco Park and up the East Humber River Valley. It is an incredibly extensive, ecologically significant area; it's our Rouge Park in Vaughan.

Boyd Park itself provides 5.7 hectares of interior forest habitat, and as you probably know, this is an important kind of habitat that you just don't get in every forest. It has to be solid forest cover and very dense, and this is what we have here, because it's old-growth forest. Of the 237 plant species, there are 28 of concern. We have 21 fauna species of concern living there, and nine of the amphibian species breeding are of concern. So it's telling you that this is incredibly high quality and there are a lot of important species here. This is why it was designated as an ANSI.

At the heart of the forest sits a wetland, which is a recharge source for the East Humber River cold-water fishery. The East Humber watershed is considered to have the most significant population of reddsides, a provincially threatened species, in the greater GTA.

The area is a vital part of the terrestrial natural heritage in the region, providing important connectivity from the moraine to the Lake Ontario shoreline.

TRCA's groundwater management study indicates that the base of the Pine Valley virtually cuts through the entire glacial till cap covering the underlying aquifer, which is making the area highly susceptible to contamination. This is why it should be protected.

The recreational significance of Boyd: It's a significant regional destination. It attracts approximately 75,000 visitors annually. It's an integral part of a larger recreation and education complex—the East Humber valley complex, which we identified in the recommendation to the government from the task force—which we included because of its ecological, recreational and cultural importance.

The remains of several early First Nations settlements have been found in the area. Boyd Park itself contains the remains of an important Iroquois village. In fact, this village goes directly under Pine Valley, the road that they are intending to expand. This area has the possibility of providing a unique opportunity to re-create a First Nations village on the site.

I just want to let you know that part of what I handed around was a letter from the cultural representative of the Huron-Wendat Nation in Wendake, Quebec. They oppose the destruction of the aboriginal village site in Boyd Park. They are suggesting that the best way to prevent this from happening is to protect Boyd Park by putting it in the greenbelt, and there's a letter to that effect.

The really key thing here is, the reason you didn't want to go into existing urban areas was because of the complications of the land ownership. In this case, the land is in the TRCA's possession and they are supportive of putting it in the greenbelt. It's in their submission.

We need better protection for these areas than we have in conservation areas. They get nibbled away. Municipalities frequently look on these conservation areas as land banks for their infrastructure needs and for prime development opportunities.

Boyd Park belongs in the greenbelt: There's a plethora of science that dictates that Boyd Park does belong in the greenbelt. Tim Hudak, Tory MPP, stated on Focus Ontario: "I'm on the same wavelength as David Donnelly at Environmental Defence about Boyd Park being in the greenbelt.... Based on good science, it should be protected."

I've also—you're smiling at me.

**Mr. Hudak:** Put me in charge.

**Ms. Schulte:** Excellent. Greenbelt map 57 shows a couple of other areas that we are concerned about and that we believe need to be in the greenbelt, because this whole area is the East Humber watershed and headwaters area. Boyd is the bottom area of a big complex, as you can see in that map I showed you. This area is entailing the top end of that complex. We believe that to support the protection of the East Humber watershed and the associated ANSIs and ESAs—and I've included a document at the back. There's quite a lot of detail here about why this land is so important, so I've included the document from MNR at the back. There are also similar documents from TRCA for their ESAs. I didn't put those in because it would just get to be too much. But if you start reading them, you realize how very, very important this area is. Those areas are the area north of Teston Road, west of Kipling. If you look, there's a little area that you have jutting up into the greenbelt, bounded by the East Humber River Valley on one side and the greenbelt on the other side. It doesn't make sense to allow development to go up in that area. If you go through the resources that I have in there, they'll tell you that there are very significant ANSIs and ESAs up there that need more buffer than we would get if you put development up in that area.

Just so you know, reddsides have been observed in that ESA. The combination of topography and heavy forest cover provides the necessary conditions to maintain that cold-water fishery. Reddsides now exist only in southern Ontario and not very many places. This is one of the places where they still exist.

The valley and associated tableland forests provide habitat for fauna that require large tracts of interior habitat and cannot tolerate disturbance. Allowing development into this area would not provide adequate buffers to these very significant regional ANSIs and ESAs and would negatively impact the cold-water fishery. So we're asking, please don't let that area be developed.

1640

There's another area that is equally important, and it is the headwaters of the East Humber and the Purpleville



Creek. This area consists of rolling hills, wetlands, forest tracts and farms. It's the recharge area for the largest valley system on the East Humber River. Purpleville Creek, previously known as Cold Creek, flows through the area and is currently home to brook trout and the redbreasted dace. It's essential to protect the surrounding tableland if we're to maintain that cold-water fishery. This area also supports prime agricultural farmland.

Allowing development to extend between the greenbelt and the moraine will place tremendous pressure on infrastructure, ultimately making the greenbelt area to the south unsustainable. More urban sprawl is not required. Vaughan has significant land already designated for development in OPA 600. In addition, there's plenty of other land provided for future growth if they are unable to meet their needs through intensification and infill.

Please heed the goals of the greenbelt and resist bowing to development lobbyists and growth-obsessed municipalities. I've put in an interesting article, a letter to the editor that hit it right on the mark. So it isn't just us saying this; a lot of people are saying this as well.

Our conclusions: Based on best science from MNR, MOE, TRCA and independent consultants, Boyd Park should be put in the greenbelt, as should those other areas. If it's left out, it leads us to wonder why.

Thank you very much. If there are any questions, I'd be happy to answer.

**The Chair:** Everybody has about 30 seconds. The government side.

**Mrs. Van Bommel:** Just quickly, on greenbelt map 57 you talk about the little thumb or whatever. How many acres is that?

**Ms. Schulte:** I do not know how many acres that is. I'm sorry; I can't answer that question. Does anybody know? Can anybody help me there, the experts back here?

**Mrs. Van Bommel:** I'm just doing an eyeball on the mapping.

**Ms. Schulte:** I'm not an expert at figuring that out, and I wouldn't want to make a guess and get it wrong. We're looking at something on the order of five concessions going north.

**Mrs. Van Bommel:** That's OK. I'll do the math. I just thought you might know.

**Ms. Schulte:** No, sorry. I just started to figure it out myself.

**Mrs. Munro:** I appreciate your concern in identifying this area. I just wondered if you were aware of any other similar situations. You point out that this is public land owned by the conservation authority. Are there any other examples of this in the greenbelt, as far as you're aware?

**Ms. Schulte:** I understand that the TRCA in their submission have raised a similar situation in two other areas that they're concerned about. So they've requested that in their submission.

**Mrs. Munro:** It just seems very odd that you have public land not included.

**Ms. Churley:** I have a critical question for you, and it might turn into a statement. I have been calling for Boyd Park as well as Leslie lands and Castle Glen and others

since the government announced this greenbelt. The difference between the Tory—and this is why it's a critical question, and there are many—and the New Democratic approach is that we're not trying to hold up the hearings; we're trying to make amendments to get these left-out lands included. That has been my goal from day one, because there's a fear that the developers and others who want to stop the greenbelt completely, if they have more time, will put more and more pressure on the government to do that. Do you support what the Tories are calling for, to actually hold up this legislation for God knows how long to get Boyd in, or would you support just making the amendment—

**The Chair:** Summarize your question, please.

**Ms. Churley:** —and getting these lands put back in?

**The Chair:** It's going to have to be a yes or a no. You have no time to answer any more.

**Ms. Schulte:** The answer would be no, I would not support holding it up for a long duration. I think there are a lot of data available and we should be able to determine that quickly.

**The Chair:** Thank you very much. We appreciate your coming here today.

#### DAVIES HOWE PARTNERS

**The Chair:** Our next delegation is Davies Howe Partners. Good afternoon and welcome

**Mr. John Alati:** Thank you, Madam Chair and members of the committee.

**The Chair:** Could you identify yourself and the company.

**Mr. Alati:** My name is John Alati, and I'm a lawyer at Davies Howe Partners. I'm counsel to six clients who are landowners either in or near various parts of the greenbelt, on whose behalf I will be expressing their collective concerns about Bill 135 today. By way of identification, the six clients I represent are noted on the handout that is now going around by Ms. Grannum. They are: Hamount Investments Ltd. and Valley Grove Investments Ltd., who own lands in the township of Amaranth; Bayview East Landowners Group—I think you may have heard reference to their lands as being in north Leslie or the north Leslie secondary plan area in Richmond Hill; 1013351 Ontario Inc., which is also known as the Cardinal Golf Club; 1480290 Ontario Ltd./Davis Downs; DiPoce Management Ltd.; and Miller Paving Ltd.

With respect to Hamount and Valley Grove's land, they own approximately 211 acres of land in the township of Amaranth, just outside of Orangeville. The lands were not originally shown as part of the proposed greenbelt under Bill 27, yet they showed up as being in the protected countryside area as part of the greenbelt plan.

These lands are designated in the township of Amaranth's official plan as estate residential and have been so designated for approximately 20 years. They have been redesignated for estate residential use and zoned for those uses for that period of time as well. In fact, the northern portion of these lands, the 100 acres to the north, at one time did have a residential draft plan of



subdivision prior to my client's ownership. That draft plan subsequently lapsed.

These lands represent a small portion of the township's total land area, and to have these growth objectives and long-standing plans at risk of being eliminated by the province is, in my respectful opinion, inappropriate and unfair.

The Bayview East Landowners Group, as I mentioned, owns lands in the town of Richmond Hill, in the region of York, generally bounded by Elgin Mills Road, 19th Avenue, Bayview Avenue and Highway 404. An Ontario Municipal Board hearing in relation to these lands was commenced, but ultimately the hearing was stayed, pending the operation of Bill 27.

We have reviewed the proposed draft greenbelt plan as it relates to those lands. The majority of those lands are not included in the greenbelt, but there are two watercourse fingers that bisect our client's lands, running from the north, from 19th Avenue, to Elgin Mills Road East in the south. These environmental fingers are proposed to be included in the greenbelt.

For all of this proposed secondary plan area, there has been a wealth and a dearth of environmental study undertaken already. This material has been filed with the town, the region and the OMB, and circulated to the MMAH. Of the approximately 240 hectares of land holdings, approximately 60 hectares, or 25%, are proposed to be protected as part of the environmental system.

We are respectfully requesting that the watercourse fingers that are proposed to be included in the greenbelt be removed and that these lands be planned in accordance with the secondary plan process, which should be permitted to resume at the OMB.

Cardinal Golf Club is the owner of part of lots 13 and 14, new survey, Concession 1, in the township of King, located west of Keele Street, north of Highway 9. Again, there is an existing application pending to build a golf course and restore many of the natural features on these lands. They can be found on map 28 of the draft greenbelt plan.

Davis Downs, the numbered company, owns a site of approximately 90 acres bounded by Davis Drive to the south, Highway 404 to the west and Woodbine Avenue to the east. Our client's planning consultants, who did try to speak independently here but were not able to get an attendance before this committee, will be providing, under separate cover, a written brief to this committee.

Miller Paving is one of the largest private landowners, with 3,000 acres affected by the greenbelt plan and the Oak Ridges Moraine act. Six of their existing sites are distributed amongst the regions of York and Durham, within the municipalities of Brock, Ajax, East Gwillimbury and Georgina. Miller is extremely concerned about the effects of Bill 135 removing its rights of appeal, its elimination of access to the courts and its removal of rights under the Expropriations Act.

DiPoce Management Ltd. and related companies own approximately 735 acres of land within the northern portion of the city of Vaughan. A significant majority,

approximately 75%, of these land holdings is located in what is proposed to be the provincial draft greenbelt plan.

#### 1650

I've grouped my concerns about Bill 135 on behalf all these clients into four main topic areas. These areas can be summarized as follows:

(1) Bill 135 strips away powers from local municipalities to manage their own growth and centralizes power in the hands of the minister.

(2) Bill 135 has suffered in its preparation from a lack of adequate consultation and insufficient background scientific and empirical study. Even the Building a Greenbelt document, which is printed and available on the ministry's Web site, is an insufficient and inaccurate basis for the establishment of the greenbelt.

(3) Bill 135 lacks transparency, and there is a lack of accountability in powers which have been centralized in the hands of the minister. Elements of the bill are unfair and contrary to the principles of natural justice and due process, as it strips away rights of individuals, doesn't provide for rights of appeal and does not provide for compensation for the taking or expropriation of lands or for the elimination of these rights.

(4) Bill 135 suffers from internal inconsistencies and is inconsistent with the objectives and time frames associated with other planning policy documents and legislation.

To turn just briefly to some of the items that emphasize my points under topic 1—that is, stripping powers from local municipalities and the concentration of power in the hands of the minister—the Minister of Municipal Affairs has spoken frequently since the introduction of Bill 27 about giving local municipalities more power and more autonomy, and yet, in my respectful submission, Bill 135 flies in the face of that and does just the opposite. Bill 135 concentrates power in the hands of the minister and allows the minister to disregard the growth management plans and planning objectives of local municipalities. By way of example, I draw your attention to the following sections of Bill 135, namely, sections 9, 11, 12, 13, 16, 17, 22 and 23.

By way of further example, section 9 of Bill 135 requires municipalities to ensure that for land areas designated as protected countryside, their official plans must be amended to conform with the greenbelt plan. The manner in which section 9 is written means that lands like those of many of my clients—Amaranth, for example—which have been the subject of long-standing designations and intended for certain forms of development can have those development rights stripped away. These development rights can be removed notwithstanding the local municipality's own needs for growth and in consideration of the existing environmental regime established by the municipality.

The minister can propose amendments under subsection 11(1), and this is after the minister has effectively established the greenbelt area and the greenbelt plan in the first place. After the minister has proposed an amendment, the minister has to engage in a mandated consultation and public participation process, which on its



face appears to be a good and democratic thing. But the minister, after considering any submissions received and consultation undertaken, can make any recommendations he chooses about approving, amending or modifying as he solely considers appropriate.

Subsection 13(3) allows a hearing officer to adopt rules of procedure for any matter that the minister refers to a hearing. In my respectful submission, this is unacceptable and should not be tolerated. At a minimum, the rules established under the Statutory Powers Procedure Act should apply to any hearings.

Section 22 allows for the prescribing, by way of a regulation, of additional objectives for the greenbelt plan, in addition to the long list of objectives already articulated under section 5 of the act. In my respectful submission, this is an odious approach. The objectives and purpose behind legislation should be known before the law is enacted. To put it in the vernacular, you should not be able to go back to the buffet table and add additional ingredients after the meal has been taken out of the oven. This type of provision has the potential to be subject to abuse and misuse.

Under clause 23(1)(a), the minister can force municipalities to pass bylaws under sections 135 and 142 of the Municipal Act related to the cutting of trees and site alteration for things like site grading and removal of topsoil. Clause 23(1)(b) allows the minister to specify the precise provisions in those bylaws and he's permitted to prescribe powers beyond those which a municipality normally has. These powers, in my respectful submission, have the ability to be used in an extremely unfair, arbitrary, heavy-handed and non-transparent manner.

Item 2, lack of adequate background study: In my respectful submission, this legislation has been and continues to be rushed. There has been inadequate time set aside for public consultation—only one more reading before March 9. If the government is serious about getting this legislation right, then more time is necessary.

In my respectful submission, there has been little if any scientific explanation or empirical research presented to demonstrate why the boundaries chosen for the greenbelt plan are appropriate. There has been no public consultation to examine or consider any scientific basis for the establishment of the boundaries. Much of the information provided on the ministry's own Web site as justification—if you look at the Building a Greenbelt section—is fraught with problems and inaccuracies.

Concern number 3, lack of due process, natural justice and a lack of transparency: Section 18 eliminates transparency from the decision-making process. The hearing officer is not required to hear evidence, just representations, the difference being that evidence would be sworn under oath. A hearing officer writes a report to the minister—he does not write a decision—and the minister only makes recommendations to the Lieutenant Governor in Council.

Section 19 unfairly strips away the rights of recourse to seek compensation for those individuals who may

have their existing development rights removed. Section 19 is very broad and eliminates all causes of action, whether they result directly or indirectly from the imposition of the act or the regulations made under its authority.

Clause 23(1)(c) grants a further unfettered power to the minister in that it allows him to prescribe anything else that is referred to in the Greenbelt Act as being prescribed, other than specific matters already prescribed in section 22. Again, the minister is given extraordinary powers that are not subject to any formal review or due process.

Finally, the act suffers from internal inconsistencies and is inconsistent with other legislation. Subsections 7(2) and 8(1) conflict with each other. Subsection 7(2) says that the decision made by the minister in terms of a policy statement under section 3 of the Planning Act is exempt from and does not need to conform with the greenbelt plan, and yet clause 8(1)(c) says that the greenbelt plan prevails in the event of a conflict between the greenbelt plan and a provincial policy statement. Clearly, these policies are in direct contravention of each other.

The review period stipulated in section 10—every 10 years—is out of step with the review period for both official plans and out of sync with the review of the provincial policy statement, both of which are every five years.

Section 15 establishes a greenbelt advisory committee. There is no clear role or mandate established or provided for this committee. Its establishment is all that appears to be done by the legislation.

The Greenbelt Act and the plan are being proposed in the absence of the finalization of the province's Places to Grow legislation. As a result, there is not enough interplay between the establishment of the greenbelt and efforts to link it with planning for future growth. An infrastructure plan for the greater Golden Horseshoe and mechanisms to see that its implementation are in place should be released prior to the finalization of the act.

My recommendations on behalf of the six clients that I mentioned would be as follows:

Amend the act to allow appeals against decisions made by the minister under the Statutory Powers Procedure Act.

Amend the act so that power is not consolidated and centralized in the hands of the minister, and return to municipalities at the local level the right to plan for their own growth management.

Amend the act to restore the application of the Expropriations Act to permit an opportunity for compensation to property owners whose lands or rights are expropriated.

Amend the act to permit aggrieved parties the opportunity to appeal to the courts.

Amend the act so that the Statutory Powers Procedure Act applies to hearings and processes commenced under this act.

Amend the act and the greenbelt plan to ensure that the plan's boundaries are based on defensible, sound and easily discernable science.



Extend the time for meaningful consultation prior to the passage of Bill 135 into law.

Subject to any questions, Madam Chair, those are my submissions.

**The Chair:** You've left yourself two and a half minutes, so I'm going to divide that among the parties. I believe it's the opposition first.

**Mrs. Munro:** I appreciate the analysis you've provided us with today. In thinking back to the point in time when the minister was dealing with Bill 26, the Planning Act changes, there again we saw unprecedented power of the minister in that particular piece of legislation as well. He advised the committee at the time that he would not abuse the power. Do you have the same confidence in looking at this particular piece of legislation?

**Mr. Alati:** No, I don't. I'd like to take it on faith that the minister would not abuse the power, but unfortunately, there are no guarantees. It seems to me that the best and only way to ensure that everyone is treated fairly and in accordance with natural justice and due process is to make it express in the legislation. It's simple, it's easy and it's clear.

**Ms. Churley:** Thank you for your presentation. You have some very specific recommendations around certain pieces of land and more broadly. There is a lot of discussion around whether or not these boundaries are scientific. I would agree that there are some areas where it looks very political; there's no question about that. But more and more, a scientific consensus is coming—we got some data on that today—that says the greenbelt should in fact be made larger. Given that you put so much emphasis on science, would you commit to supporting a larger greenbelt today, since we have some scientific data that says that in fact the problem is—

**The Chair:** I think your answer is going to have to be one word, at this rate. Can you wrap it up?

**Ms. Churley:** Yes or no?

**Mr. Alati:** I'd commit to a thorough scientific review that's peer-reviewed and appropriately screened and reviewed.

1700

**The Chair:** The government side.

**Mrs. Van Bommel:** Thank you for your presentation. How many of these things that you talk about in here currently exist in the Oak Ridges moraine act? How would it compare to what we're doing here?

**Mr. Alati:** How many of the powers; for example, the minister's power under section 47 to impose zoning orders? Certainly it exists. The problem is that if it's imposed under this act, there is no right of appeal and there is no right of recourse. I have concerns that even if it's a restatement of certain powers that are already provided under the Planning Act or another piece of legislation, there is no appeal if it's brought in under the auspices of this act or a regulation promulgated thereunder, and that's unfair.

**The Chair:** Thank you for your delegation today. We appreciate your being here.

## ROUGE PARK ALLIANCE

**The Chair:** Our last speaker today will be the Rouge Park Alliance. Welcome. We saved the best till last. It's hard at the end of the day, I know.

**Mr. Lewis Yeager:** I'm a very boring person, but Rouge Park is quite interesting and the greenbelt concept is exciting, so perhaps that will help you survive.

**The Chair:** Thank you very much for coming. Could you identify yourself and the group you represent for Hansard. When you start, you will have 15 minutes.

**Mr. Yeager:** My name is Lewis Yeager. I'm general manager of Rouge Park and the Rouge Park Alliance board of directors. Our chair, Ron Christie, would have liked to be here today, but he just had his knee scoped and he's not as mobile as he normally is. He sends his regrets and asked me to carry on. I'll try to do so.

I'll walk you through this brief that I prepared, but I won't go through all of it. I've summarized all the recommendations at the end for ease of use during your clause-by-clause and in preparing the summary. But I'd like to talk a bit about what Rouge Park is, why it's an important part of the greenbelt and perhaps put a few general concepts into play.

Rouge Park Alliance endorses the need to study the Golden Horseshoe and supports the objectives stated in section 5 of Bill 135. We recognize that clear limits must be set on development in order to protect environmentally sensitive areas and farmland as a greenbelt for the long term. In particular, Rouge Park plays an important role in meeting some of Bill 135's specific objectives: objective (e), providing a land base for ecological and hydrological functions; objective (f), providing a connection between Lake Ontario and the Oak Ridges moraine; and objective (h), to provide linkages between ecosystems and public lands.

Rouge Park also protects agricultural heritage and contains the only working farms in the city of Toronto.

The first recommendation basically shows our support for the general directions of Bill 135 and the greenbelt plan. We urge the committee and the government not to be timid in strengthening these.

On page 2 of the brief, I talk a bit about what Rouge Park is? It has been described as the largest natural environment park in an urban setting in North America. It presently includes about 4,000 hectares in York and Durham regions and the city of Toronto. The intent of our plans is to one day have a continuous natural corridor connecting the Oak Ridges moraine to Lake Ontario in the Rouge River watershed. In addition to these natural heritage objectives, Rouge Park also protects cultural and agricultural heritage lands.

Rouge Park is in its infancy—this is our 10th anniversary—but already performs important functions in the Golden Horseshoe greenbelt area. The park was first envisioned in the 1980s, its management plan was prepared in 1994 and the park officially became a reality in 1995.

One thing I would like to emphasize is that all of the Ontario governments in power from the 1980s to the



present have been strong supporters of Rouge Park. The consistent enthusiasm of all parties for the creation of this great public asset has been very gratifying.

The board of directors for the park, the Rouge Park Alliance, is chaired by a provincial appointee, currently Ron Christie. However, Rouge Park is neither a provincial park, a national park, a conservation area nor a municipal park. It is a unique partnership park created by contributions of land, money and services by all levels of government, regional agencies and with NGO support on our board. However, it lacks a strong base in legislation or the provincial policy statement, so it's vulnerable at the Ontario Municipal Board and other similar bodies.

On page 3, I go over the park objectives; I'm not going to go through them now. In the sidebar, one of the points is that we're in the process now of making a greenbelt a reality in the Rouge River watershed and adjacent lands.

On the map on page 20, there's an outline of the present area of Rouge Park, and the headwaters of the Rouge River are in the Oak Ridges moraine. So we touch upon a lot of things that this committee will find relevant.

Our organizational structure is on page 4. You can see that there's a large buy-in from federal, provincial and all levels of government in the Rouge Park concept.

We have a number of management plans. They're listed on page 5. The process is ongoing.

There's a list of current Rouge Park members on page 6. Mr. Duguid, your committee cohort here, is the provincial representative on the Rouge Park Alliance.

Beginning on page 7, I'd like to speak a bit about a critical mass of public lands. Rouge Park fulfills important roles for the proposed greenbelt in the heavily populated Toronto area. Its plans include developing major tracts of natural habitat, including interior forests where plants and animals sensitive to disturbance can flourish. We have redside dace too. Rouge Park will therefore act as a reservoir of biodiversity in the area and will support nearby greenbelt habitats that are smaller and less viable over the long term.

As well, Rouge Park is the best hope for an Oak Ridges moraine to Lake Ontario connection in the central greenbelt area, but it is yet incomplete. A critical mass of public lands is needed to ensure that Rouge Park can successfully support the greater greenbelt concept. In 2004, the province transferred 1,400 hectares of land in York region, Pickering and Toronto for Rouge Park purposes. This was a welcome addition to the park and is a great step forward.

Why is Rouge Park a good steward for public lands like these? Well, as noted on pages 13 and 14, a recent study of the natural environment in Toronto found that the largest forest patches, the largest meadow habitats and the majority of rare plants and animals were all found in Rouge Park. We need to accomplish a similar role throughout the watershed, particularly in newly urbanizing areas in York region.

The opportunity to make a difference is now. If you turn to page 19, there's a map which shows Rouge Park and the Rouge Park watershed. The lands labelled "D"

were the lands transferred by the province in 2004. But in addition to those, there are provincially owned lands in east Markham, labelled "A", and other lands to the west of the transferred corridor, labelled "B", that would form a much stronger natural system if added to Rouge Park. These are all in public ownership now.

Also important is an area of public land, labelled "C", in Pickering which would form a vital east-west link between Rouge Park and natural areas in the Duffins Creek watershed. The development and strengthening of such linkages among viable ecosystems is the most important result that could come out of the greenbelt initiative. Rouge Park has a proven track record, sound management plans and buy-in from all levels of government and citizens' groups, so we feel Rouge Park would be the best steward for these adjacent public lands in a greenbelt context.

To continue accomplishing these goals, the province should incorporate a separate section and schedules recognizing the unique circumstances and opportunities of Rouge Park as a significant component of the greenbelt plan.

On page 20, there's a pair of maps. The one on the left shows the existing Rouge Park, the public ownership part. With the addition of the remaining provincially owned lands that I've just mentioned, it would become as on the right. You can see that the critical mass of natural habitat north of Steeles Avenue would begin to balance out what we have south of Steeles Avenue.

#### 1710

On page 9, we talk about ensuring the viability of Rouge Park. The original Rouge Park management plan is a provincial document and is well respected in planning circles. The Rouge North management plan, however, was produced by the Rouge Park Alliance itself after a lengthy consultation process with all stakeholders. Until it is formally adopted in municipal official plans, its valuable strategies are not receiving formal recognition at the Ontario Municipal Board and other venues. This problem persists because the alliance is not a legal entity with the weight of provincial legislation or even mentioned in the provincial policy statement under the Planning Act. Rouge Park needs a stronger provincial mandate if the greenbelt objectives of its management plans are to succeed.

Rouge Park and the Rouge River watershed should be designated a special biodiversity maintenance area in the draft greenbelt plan's natural system, which is section 3.2 of the plan, much in the way that the two specialty crop areas are described in the plan's agricultural system, section 3.1. This would provide for more complete support of our management plans and for the inclusion of measures in the Rouge that are more protective than might be necessary elsewhere.

Another measure of protection could be accomplished by amending paragraph 3 in section IV, Implementation/Interpretation of the provincial policy statement, to read—and I've quoted possible wording for that here that I won't go through now. In essence, though, we need the province to step up and provide more weight to



the Rouge Park and its management plans to ensure that they're viable over the long term and can provide those functions to the remaining greenbelt that its critical mass of habitat will do.

One very valuable outcome of the creation and implementation of the Rouge North management plan was the identification of 11 ecological and cultural heritage criteria that, when combined in an overlay fashion, ensure a riverside protection zone that maintains the essential in-stream and adjacent terrestrial environments. I discuss that in here. I won't go through all of that with you now, but it's a verified scientific approach that was begun partially with the insistence of the development industry, which was tired of a fixed-width buffer zone. They would like something more scientifically developed. I'm not suggesting that they agree on all facets with this, but it's an attempt to bring science into the river protection environment.

The current direction in the draft greenbelt plan, that municipalities must consider specific plans like the Rouge Park management plan and the Rouge North management plan, is too weak to be effective. The words "must consider" should be strengthened to "must conform to" or "must comply with," both in terms of "natural system" in section 5.3.2 as well as "parkland," "open space" and "trails" in section 5.3.5 of the draft greenbelt plan.

Also, the plan should be amended to include specific transitional policies related to Rouge Park's management plans that are applicable to planning applications that were submitted prior to the greenbelt moratorium but not yet approved, particularly with respect to Rouge Park lands and policies that are now before the Ontario Municipal Board.

The next couple of pages, 13 and 14, talk about some of the unique aspects of Rouge Park that were discovered during natural environment studies done for the creation of the city of Toronto's new official plan. It has quotes from that report, but one of the best ways to describe this is that most of the best examples of habitat remaining in the city of Toronto are in the Rouge watershed and in Rouge Park.

In the way of concluding remarks, the opportunity offered by the passage of Bill 135 and the greenbelt plan, as amended, is an exciting challenge for Ontario. The growing population of the Golden Horseshoe will provide an insatiable market for enjoyment of the natural and cultural values provided by our presently diminishing farmlands and natural ecosystems.

The Rouge Park Alliance has been providing on-the-ground protection and restoration of these land uses for almost a decade. We welcome the opportunity to work on a larger scale with the general government committee, the province of Ontario and the proposed Greenbelt Advisory Council. We like to refer to Rouge Park as greenbelt plus, and we thank you for allowing us to participate in your process.

**The Chair:** Thank you, Mr. Yeager. You've left us with just under a minute each. Ms. Churley, you have the floor first.

**Ms. Churley:** There's never enough time in a minute to ask a reasonable question, so I won't. I just want to congratulate you and thank you and all of the Rouge Park Alliance for all the great work you've done over the years in consultation and in working with all three parties. Thank you for coming forward today. I assume that you've been talking with the government about the recommendations you put forward today on Rouge Park, and we're hopeful that they will accept amendments to include your recommendations.

**Mr. Yeager:** Thank you. I'll pass your good wishes on to the alliance.

**Mr. Duguid:** You began your remarks, Mr. Yeager, by saying you were boring but the Rouge Park is exciting. I'd say your passion and professionalism in working with the Rouge over the years has been anything but boring, so we don't consider you boring at all.

Please pass along to the chair our best wishes for a quick recovery on his procedure; hopefully he'll be back up and at it very soon.

As you know, the Peterson government was the government that got the Rouge going originally—originally announced the Rouge Park. Within a few months of being in office, the McGuinty government made a significant announcement adding more land to the park. We look forward, Mr. Yeager, to your suggestions in here to enhance the park even further. We're fully committed to it. Thank you for all your good work.

**The Chair:** The official opposition.

**Mrs. Munro:** I just want to offer my congratulations too, in terms of the fact that all parties have worked with you in recognizing how important this particular watershed is and the protection of it. We certainly appreciate your bringing to the committee today the issue of its inclusion in the greenbelt. Thank you very much.

**Mr. Yeager:** If I might just add a comment, much of Rouge Park is in the greenbelt, and we're happy to be there. You asked earlier about an area that is not in the greenbelt, whether any were excluded. If you look at the map on page 20, you'll see that on the main Rouge River, which goes up toward Milne Park, there's a gap in Rouge Park. Much of that is publicly owned land. It would be very useful if the government would reconsider whether that publicly owned land, even though it's within a municipal boundary and a developed area, might be included. Thank you.

**The Chair:** Thank you very much. We appreciate your coming out today.

Committee, this exhausts our list of public delegations today. Tomorrow we'll be in Markham. I just wanted to remind those members taking the bus that it is leaving at 7:45 a.m. from the main doors, Queen's Park, Legislative Building. If you want to be on the bus, you need to be there on time.

Unless there's any other business, this committee stands adjourned until 10 a.m. tomorrow in Markham.

*The committee adjourned at 1718.*



## **STANDING COMMITTEE ON GENERAL GOVERNMENT**

### **Chair / Présidente**

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Mr. Tony C. Wong (Markham L)

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## Legislative Assembly of Ontario

First Session, 38<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 38<sup>e</sup> législature

# Official Report of Debates (Hansard)

Tuesday 1 February 2005

# Journal des débats (Hansard)

Mardi 1<sup>er</sup> février 2005

## Standing committee on general government

Greenbelt Act, 2005

## Comité permanent des affaires gouvernementales

Loi de 2005 sur  
la ceinture de verdure





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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GENERAL GOVERNMENTCOMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES

Tuesday 1 February 2005

Mardi 1<sup>er</sup> février 2005

*The committee met at 1000 in the Radisson Hotel, Markham.*

## GREENBELT ACT, 2005

LOI DE 2005 SUR  
LA CEINTURE DE VERDURE

Consideration of Bill 135, An Act to establish a greenbelt area and to make consequential amendments to the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Act, 2001 and the Ontario Planning and Development Act, 1994 / Projet de loi 135, Loi établissant la zone de la ceinture de verdure et apportant des modifications corrélatives à la Loi sur la planification et l'aménagement de l'escarpement du Niagara, à la Loi de 2001 sur la conservation de la moraine d'Oak Ridges et à la Loi de 1994 sur la planification et l'aménagement du territoire de l'Ontario.

**The Chair (Mrs. Linda Jeffrey):** Good morning. The standing committee on general government is called to order. Could everybody please take their seats? We're here today to resume public hearings on Bill 135, An Act to establish a greenbelt area and to make consequential amendments to the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Act, 2001 and the Ontario Planning and Development Act, 1994.

Just for notification, I'd like to remind everybody that although we're not at Queen's Park, there is some decorum that is expected at these meetings, so I would remind those in attendance that there should be no demonstrations of support for or against any comments made by any presenters or members of committee.

## TOWN OF MARKHAM

**The Chair:** Our first delegation this morning is from the town of Markham. Welcome. If I could ask that you identify for Hansard yourselves and the names of those who will be speaking. You have 15 minutes. If you have any time left over, there will be time for the committee to ask you questions.

**Mr. Jack Heath:** I'm regional councillor Jack Heath from Markham and York region. This is Commissioner Jim Baird, and he'll be going first.

**Mr. Jim Baird:** Good morning. I'm Jim Baird, commissioner of development services for the town of

Markham. I thank you for this opportunity to address you from a town of Markham perspective.

Markham has been a leader in environmental planning for many decades. In recent years, there have been two major policy initiatives that the town has undertaken that relate directly to the program that the province is involved in with the greenbelt plan: First, the East Markham Strategic Review was adopted by the town of Markham council in 2003, and it recommends green space and permanent countryside on provincial and federal lands in the east end of Markham; and secondly, also in 2003, the town adopted official plan amendment number 116 to establish the Rouge Park in Markham.

Markham strongly supports the provincial greenbelt vision and we commend the province for this bold and necessary program. Your leadership will provide area municipalities with the legislative authority that we need to protect and enhance agricultural lands and environmental lands, in keeping with the provincial vision.

Markham is very fortunate by location and patterns of land ownership. The large area of federal and provincial lands on the east side of Markham will be protected through the greenbelt plan, and will provide a strong natural linkage connecting the Oak Ridges moraine down to Steeles Avenue and in turn through the Rouge Park in Scarborough down to Lake Ontario. And the draft growth plan shows the lands west of the Little Rouge corridor as having potential for future urban development. So this gives Markham a very good balance of future urban and protected greenbelt lands.

So in summary, the town is very supportive of the vision emerging from both the greenbelt plan and the growth plan alike. However, we do have some comments on administrative matters relating to the future implementation of Bill 135. Specifically, we'd like to address you on three matters which we feel require further consideration by the province. These are approval authority, appeal rights and transition provisions.

By the way, a copy of my notes was distributed, so hopefully you've got them in front of you.

Number one, approval authority: The draft greenbelt plan is a provincial document representing a broad provincial vision. It's not a local initiative, but rather a matter of large-scale provincial interest. We therefore feel that the greenbelt plan requires provincial leadership not only in establishing the vision, but in implementing the vision at the local level.



The province recently undertook a similar exercise with the Oak Ridges Moraine Conservation Act. In that case, the province is the approval authority for local official plan amendments and zoning amendments to implement the plan. Municipalities were required to pass OP and zoning amendments to bring local policy and zoning into compliance. Provincial staff modified and approved these local amendments to ensure consistency, and there were no general rights of appeal to the OMB. This process ensured that provincial policy direction was followed at the local level and that there was consistency across municipalities.

However, in the case of the greenbelt plan, a different approach is currently being suggested. This would leave the policy formulation and approval process to the local and regional municipalities, with normal Planning Act rules applying. That means that local and regional amendments would be subject to general rights of appeal as set out in the Planning Act. Any person could appeal a local conformity amendment to the OMB, which we fear would take the vision and implementation out of the hands of the province and potentially jeopardize the approval of such conformity amendments. The current greenbelt plan is not sufficiently detailed or specific and, if left to local implementation and interpretation, there will be disagreements, appeals and ultimately decision-making by the OMB.

Bill 135 currently gives municipalities a five-year window to incorporate the greenbelt plan into their official plans. This compares to 18 months in the case of the Oak Ridges Moraine Conservation Act. This extended time frame will create additional challenges in ensuring a consistent local policy framework across the entire Golden Horseshoe area.

Ensuring the greenbelt plan is reflected in local planning documents we feel is a duty and responsibility of the province. This was recognized with the Oak Ridges moraine, and we feel it should also apply in the case of the greenbelt plan. Therefore, we are here to request that the draft Greenbelt Act be amended to provide for the approval of municipal conformity amendments by the Minister of Municipal Affairs and not by local authorities or the OMB. This, again, would be consistent with the approach the province took with the Oak Ridges Moraine Conservation Act.

Our second point of discussion relates to appeals to the Ontario Municipal Board. This also stems directly from the current proposal in the Greenbelt Act to have normal Planning Act processes and appeal rights apply. In the case of the town of Markham, the required conformity amendment would be adopted by Markham council, and subject to approval by the region of York, and any person would have the right to appeal to the OMB. In our experience with environmental policy, any local conformity amendment would almost certainly be appealed and tested at the board. The OMB appeal process is costly, time-consuming and very uncertain. We feel it is unfair and ineffective to ask each individual

local municipality to justify and defend at the OMB the provincial greenbelt plan.

In addition to requiring local and regional staff time and resources, such OMB hearings would also require provincial staff to prepare and provide evidence. This would require staff from across various ministries at a scale not currently able to be delivered with current provincial resources. This would result in individual OMB hearings across the greater Golden Horseshoe area over a five-year period and would be overly expensive, time-consuming and complicated.

There is substantial risk that different OMB members, based on different testimony and different legal argument, will interpret the greenbelt plan differently through the appeal process and potentially create an inconsistent approach in implementation. We feel that the best and most responsible approach the province can take is to make the province the approval authority for conformity amendments, and to not allow for general rights of appeal to the OMB. This is the right approach for large-scale, provincially driven policy directions like the Oak Ridges moraine and the greenbelt plan. Provincial staff can then devote their time to the approval process and ensuring that all conformity amendments are consistent with the greenbelt plan, rather than years and years of Ontario Municipal Board appeals.

Our third comment has to do with transition provisions and, in particular, the Rouge Park in the town of Markham. Specifically, the town has adopted official plan amendment 116 to implement the Rouge Park. This is the culmination of a long process of planning and public input. We've been working with the Rouge Park Alliance since 1995 to prepare the Rouge North management plan and to adopt the implementing official plan amendment.

OPA 116 was adopted by Markham council on September 30, 2003, and has the support of all Rouge alliance partners, including the province. However, the amendment has been appealed by local land development interests and will be the subject of an Ontario Municipal Board hearing. We are currently in mediation with the appellants to try and reduce the scope of the issues.

#### 1010

OPA 116 contains policies to define Rouge Park boundaries based on scientifically derived ecological criteria. These criteria, we believe, can be justified and should be used to define the Rouge Park in the town of Markham. We therefore have concern that the draft greenbelt plan boundaries overlap a number of watercourses within Markham that are also subject to the Rouge Park boundary, as defined by 116. Our concern stems from the fact that the greenbelt plan takes a different approach to boundary definition based on a set buffer standard, as opposed to applying a scientifically derived ecological criteria approach.

Different boundaries and different standards would mean that we will continue the environmental debate in Markham for years to come. There is now an opportunity to close the debate on the Rouge Park in Markham by



jointly working to implement and support the boundary definition approach contained in OPA 116.

The draft greenbelt plan provides that the province may prescribe applications, which, although they predate the greenbelt plan, shall be required to conform to certain prescribed provisions of the draft plan. We therefore ask that the greenbelt plan make specific reference to the Rouge Park lands in Markham to achieve consistency with our OPA 116. Specifically, Bill 135 and the draft greenbelt plan should be amended to make specific reference to the Rouge Park lands in Markham and to reflect the environmental boundary definition framework proposed by the town's OPA 116.

We would support continued dialogue between staff at the province, the town, the TRCA and the Rouge Alliance to ensure consistency between the documents.

In closing, again, thank you for the opportunity. We strongly support the province for your leadership and vision. The town will continue to partner with the province in implementing the greenbelt plan and the Rouge Park.

Regional Councillor Jack Heath has some further comments.

**Mr. Heath:** My first task is to say thank you for the greenbelt legislation.

Bill 135, when implemented, will have a far-reaching impact on the citizens of the GTA and Ontario. It will ensure that greenfields no longer recede into the distance because of urban sprawl. The land we are occupying at this very moment was, until recently, countryside.

Commissioner Baird has demonstrated Markham's commitment. We endorse the provincial initiative with three major recommendations:

(1) The province should be the approval authority. To not do so could lead to great confusion across many important municipalities.

(2) Appeals to the OMB should not be permitted. To permit them could water down the greenbelt to make it unrecognizable in five years.

(3) The boundary lines in Markham should match exactly those that Markham and the Rouge Park Alliance have developed over many years. Those lines are in our OPA 116 and the Eastern Markham Strategic Review. To permit discrepancies could result in endless appeals to staff, our council, York region and the province.

My purpose today is to discuss two other issues. The first is the permitted uses of land within the greenbelt.

One objective in the legislation is to ensure that countryside and rural communities are sustainable. Passage of the bill is the most important first step toward this objective, but more will be necessary. It is crucial to keep a significant portion of the greenbelt in agricultural production.

In 2003, I chaired the Eastern Markham Strategic Review. We established the same objectives and found several constraints, including high land prices, the negative impact of nearby urban centres and limited rural support resources. We were astonished to find how much of

Markham's rural land is already owned by speculators, including some of the greenbelt lands.

The province's ORC owns significant land in the greenbelt. As transfers to private ownership proceed, minister's zoning orders and agricultural easements on these and other greenbelt lands may be needed to ensure permanent protection.

Options to be examined include: changes in the Planning Act; expanded and enhanced land trusts; and agreements for co-operative mechanisms between the province and municipalities, a tool chest of options.

The Planning Act does not give municipalities the power to protect lands for agriculture in perpetuity. A wider range of permitted uses, such as farmers' markets and bed and breakfasts, would enhance the viability of farm operations. If our rural communities are not profitable, they will not survive. Pressure will then grow for exceptions to the greenbelt.

The minister may establish a greenbelt advisory committee. "Required" is a better word, in my opinion. My main point is that, in order to ensure progress, the committee needs the power to report yearly, as well as to recommend legislative improvements to the minister. The call for a full review after 10 years is commendable.

My second purpose is to endorse a much stronger Rouge Park as security for the greenbelt in the east GTA. Over the past decade, many municipalities, including Markham, have been soldiering on through the Rouge Park Alliance. Our effort: to create the largest urban park in the world. Much has been accomplished, but it's been very tough. Work evolves with numerous planning documents. A master plan for the Little Rouge has just begun, yet the park has few staff and fewer financial resources.

Bill 135 is an important piece of the puzzle. By recommending a 600-metre corridor along the Little Rouge, the province enhanced Rouge Park significantly. Much more is needed. Impatience grows. Developing the park has taken far too long, and both senior governments are partly responsible.

If the greenbelt is to be successful, is it not time to elevate Rouge Park to a national park? Many of the land components already exist: from the north, there is the Oak Ridges moraine, the federal green space, the west end of the now much smaller Pickering airport proposal, the ORC lands, Markham and TRCA sections, and the original park in Toronto.

Certainly, this park will guarantee a major portion of the greenbelt in perpetuity. The next step should be to concentrate on the uniqueness of Rouge Park. When it becomes a reality, the environmental objectives of Bill 135 will live forever.

In conclusion, stick to your guns. Congratulations on a job well begun. Thank you very much.

**The Chair:** Mr. Heath, you spoke well. Thank you. You gave yourself 15 seconds for questions, which does not give me enough time to offer any to our committee. Thank you very much for your delegation, gentlemen.



## ONTARIO SEWER AND WATERMAIN CONSTRUCTION ASSOCIATION

**The Chair:** Our next delegation will be from the Ontario Sewer and Watermain Construction Association. Welcome, gentlemen. If you could identify yourselves for Hansard, you will have 15 minutes after you've introduced yourselves. Should you leave any time, all three parties will ask you a question with the remaining time.

**Mr. Sam Morra:** Certainly. My name is Sam Morra, and I'm the executive director of the Ontario Sewer and Watermain Construction Association. I'll be speaking first and will be followed by Mr. De Gasperis from TACC Construction.

We represent over 700 members that install and supply the vast underground network of clean-water arteries and sewage veins of the province of Ontario. We've been very active in the area of provincial policy-making. We were participants in the Walkerton inquiry and continue to lead the campaign for full-cost pricing and accounting for water and sewage services.

Ontario's challenges of managing growth cannot be underestimated. The Golden Horseshoe in particular is a magnet for growth, and in fact has outpaced the rest of Canada by a margin of 3 to 1.

The OSWCA has always advocated that there is a strong role for government in balancing growth with a myriad of public policy issues, including: maintaining an efficient land use pattern; ensuring that appropriate and modern infrastructure capacity is in place; protecting significant environmental areas; and providing sound economic development opportunities for all Ontarians.

For many years, however, we have been concerned by the one-off approaches to planning and development, ones that fail to take into account the long-term implications of public policy decisions. It is our belief that to meet the government's clear objective of creating sustainable urban areas, there must be a more holistic vision for this process. Respectfully, we are concerned that this bill and your accompanying greenbelt plan signal that the government may be headed in the opposite direction and moving back to piecemeal planning.

Our concern is that Bill 135, on its own, is lacking a correlating land needs and infrastructure strategy. We know that, along with the greenbelt, the government has introduced its own bill related to a growth management plan for the greater Golden Horseshoe. But that vision for planning is not entrenched in legislation yet, and we wonder if that means we are getting ahead of ourselves.

We want to lend support to our colleagues in the development industry when they contend that this bill may significantly impact the supply of housing and employment lands. This has already led to a rise in land prices and a further escalation in the cost of new and resale housing, and may jeopardize Ontario's economic prosperity and competitiveness relative to other Great Lakes urban areas.

The question that this committee needs to consider is whether this legislation establishing the greenbelt, espe-

cially in the absence of the final growth management plan, will effectively facilitate the future growth management exercises that are ongoing.

1020

We'd now like to take you through some of the province's historic approaches to planning, while raising some relevant questions about whether or not this legislative tool will allow Ontario to meet its future needs.

In the late 1980s, the combination of a surge in new housing demand and an inadequate supply of serviced or readily serviceable land in the GTA led to a significant rise in housing prices, both new and resale, as a result of low inventories. In an effort to bring equilibrium to the marketplace, in 1989 the David Peterson government introduced the Land Use Planning for Housing policy statement that contained policies requiring official plans to ensure a 10-year housing supply covering a range of housing types. This policy was adopted by the NDP in their comprehensive provincial policy statement in 1994. When the provincial policy statement was amended in 1997 during the Conservative administration, it was recognized that a longer-term, 20-year view of land supply was warranted to respond to the dynamics of the economy. And now the provincial policy statement is being reviewed again and Bill 26 has brought further change to make this statement binding on municipalities—another strong and effective tool.

What's the lesson from all of this? The adequacy of designated land is a key public policy issue and an economic issue that cannot be ignored. It has caused governments of all stripes to respond in order to ensure a balanced marketplace featuring affordability through a range of housing types.

Our association wanted to be clear that this committee understands the impact of this bill in meeting Ontario's future needs. It's clear from your Greenbelt Task Force that you acknowledge that a new approach to transportation and infrastructure planning is needed to recognize the related future needs of the province. The task force also understands that this should not be done in a vacuum. The question is whether the passage of Bill 135 is putting the cart before the horse. Perhaps what might be more appropriate before this bill proceeds is that the government complete its critical work in the area of growth management.

Let's recall what our municipalities must currently do when considering an urban expansion. They already prepare exhaustive studies. They also have to prepare official plan amendments. The process takes years from start to finish.

We clearly understand the desire of the government to establish a greenbelt. But we would encourage caution and the completion of the processes that have already begun in the development of a comprehensive growth management strategy first. This needs to include some future urban areas to accommodate the explosive growth in the greater Golden Horseshoe.

Let me now comment specifically on the water and sewage infrastructure policies contained within the



greenbelt plan. We are concerned that the wording of section 4.2.2 unnecessarily introduces a new standard to be met for infrastructure approvals that will undoubtedly extend the timing of reviews or approvals and create delays due to debate over the interpretation of this policy. Counter to what we know is the intent of your plan, this policy introduces uncertainty to the process of infrastructure delivery. Perhaps you might consider amending the first bullet to read, "Sustainable sewer and water servicing can be provided that minimize and mitigate impacts to natural features and functions...."

Infrastructure must be built through the greenbelt. We firmly believe that this policy, as currently written, will frustrate the timely delivery of sewer and water servicing. It is our position that approved infrastructure must be permitted to proceed without a new layer of studies and approvals.

A healthy land development industry, operating within an efficient and balanced planning framework, is critically important to the economic health of this province. Economic growth and development are inextricably linked to policy, legislation and the planning process. When the system operates in balance, the industry is able to respond to the dynamic needs of Ontario's industrial, commercial and residential consumers while contributing to the protection of the natural environment and dedication of lands for public open space.

We at the OSWCA understand clearly the policy intentions of this government. We clearly understand the desire of the government to establish a greenbelt and to move forward on its campaign commitments. But we recommend the following: delay passage of Bill 135 to ensure consistency with other provincial planning legislation policy reviews and initiatives; complete the growth plan and infrastructure plan prior to Bill 135; ensure that any plan produces all of the tools to support the required infrastructure needs for future growth; and utilize and expand existing infrastructure, such as water and sewage, transit and transit corridors, and highways and roads. This is the most economical approach for the taxpayers of Ontario.

Thank you very much for the opportunity to address this committee today. I would now like to introduce to Mr. Silvio De Gasperis, president of TAAC Construction and a major member of our association.

**Mr. Silvio De Gasperis:** Good morning, Chair and members of the committee. How much time do we have left?

**The Chair:** Six minutes.

**Mr. De Gasperis:** I would like to tell the committee about two major errors in the greenbelt draft plan. The first is within the city of Vaughan, which is attached as schedule 1 of my submission. This area has sanitary and water across the road. This area is anticipated to be a growth area by the city of Vaughan and the region of York. There has been infrastructure investment by the city of Vaughan, the region of York and landowners in this area. York region is spending \$60 million on the Bathurst-Langstaff sanitary trunk to accommodate north

Vaughan and approximately \$200 million on a water distribution system. The landowners have paid \$25 million to over-size sewer pipe, and an interchange at Teston Road at Highway 400 worth \$15 million is in the design and approval stage. This is a total of \$300 million of infrastructure paid by York region, the city of Vaughan, the landowners and the taxpayers of Ontario. The greenbelt draft plan shows this area as countryside. This is not smart growth.

The other area where there is a major error in the greenbelt plan is Cherrywood, located in the city of Pickering, shown on map number 2. This area is located between Finch Avenue to just north of Taunton Road, which is Steeles Avenue, adjoining the city of Toronto. This area is a logical extension of the growth in the city of Pickering, which completed a growth management study in this area and Seaton. The study was adopted by council.

Cherrywood is 50% less expensive than Seaton to service. Cherrywood has approximately \$100 million worth of infrastructure in the ground: water reservoirs; a water distribution system, pipes in the ground; a water tower built; an interchange off Highway 407, and six roads south to Highway 401, Highway 2 and Finch Avenue. But the province wants to develop only Seaton, which has no infrastructure in place and needs to spend approximately \$200 million to service that area. This is not logical or smart growth; it is self-serving for the province, which owns Seaton. However, the infrastructure required to service Seaton—transit, roads and other infrastructure—has to come through the Cherrywood area.

I ask this panel, where is smart growth? Who is watching the government spending taxpayers' money to accommodate growth? Hazel McCallion, chair of the Smart Growth panel, in a letter to Pickering—that's also attached—states, "I want to make it very clear that the Smart Growth panel strongly recommended to the province that development occur where infrastructure is either already present or close by and that this should determine which areas should proceed first." I ask the panel, where is the transparency in the greenbelt recommendation on science and economics?

There is also a letter attached from Jim Faught, who is a member of the Greenbelt Task Force, to the city of Pickering. I ask the panel, where are the agricultural studies that the government was to have done?

Ron Bonnett, president of the Ontario Federation of Agriculture, in a letter to municipal affairs on the Duffins-Rouge agricultural lands, or, as otherwise known, Cherrywood: "This preserve is more about ideology than pragmatism."

Included in my submission is a letter from the mayor of Vaughan to Minister Gerretsen and a council resolution, a letter from Victor Doyle, who thinks the city of Vaughan is still a township, and a response from MPP Mario Racco, representing the city of Vaughan. Also, there's a city of Pickering resolution approving a growth management study.



1030

Finally, is the Premier going to fulfil the promise he made in a letter to Neil Rodgers, president of UDI? I quote from the letter, which is attached: "Municipalities deliver invaluable services that are essential to the quality of life of all Ontarians, and they need the tools to control their own planning. It is vitally important that municipal councils be able to properly plan for the growth and prosperity of their communities." Thank you.

**The Chair:** You left yourself two minutes, so I'm going to give about 45 seconds to each party. The official opposition?

**Mr. Tim Hudak (Erie-Lincoln):** Thank you for your presentation. I liked your presentation on mapping errors. Quite frankly, if we had one for every presentation, the weight would probably collapse this table. In Caledon alone, there were 69 mapping errors identified by the municipality. Folks, is this really based on science or more so political science?

**Mr. De Gasperis:** We believe it's political science.

**The Chair:** Ms. Churley?

**Ms. Marilyn Churley (Toronto-Danforth):** Well, I only have 45 seconds. Do you think the greenbelt infrastructure will frustrate attempts to use the greenbelt to curb growth, or will we see more leapfrog development? There's no time to frame these questions properly. But because of the boundaries now, the concern is what's been left out. Will that create more of a problem with leapfrog development?

**Mr. De Gasperis:** I believe it will create more leapfrogging. If you drive down the 400 every day, it is bumper to bumper from Barrie down to the city of Toronto, and—

**The Chair:** Thank you. From the government side?

**Mrs. Maria Van Bommel (Lambton-Kent-Middlesex):** Just a quick comment about your mapping errors. You need to understand that this legislation is enabling legislation. Bill 135 just does that. The draft plan is exactly that. All these types of things such as mapping errors are being studied by the ministry in order to be put into the final plan, which we will see later. But that's not the subject of this particular bill. This is enabling legislation at this point. Thank you very much for your presentation.

**The Chair:** Thank you, gentlemen, for coming out.

#### CONCERNED CITIZENS OF KING TOWNSHIP

**The Chair:** Our next delegation is the Concerned Citizens of King Township. Welcome. Could you state your name and the group you represent? You will have 15 minutes to speak. Should you leave time at the end of your deputation, each party will be able to ask you questions.

**Ms. Andrea Loeppky:** Good morning, Madam Chair and members of the committee. My name is Andrea Loeppky and I'm with the group Concerned Citizens of King Township. Our organization has been working over

the last 30 years to input on planning, to ensure that we protect the rural character and the natural environment within the township. My comments today have been prepared by members of our board. I have a few comments on the act, but first I'd like to take a few minutes to discuss some of our issues with respect to the region in general.

For the record, Concerned Citizens of King Township wholeheartedly supports attempts to halt urban sprawl and preserve what is left of the countryside, through provincial policy contained in the Oak Ridges moraine plan legislation, the Smart Growth initiative and the Golden Horseshoe greenbelt plan. We welcome the opportunity to provide input into these plans through providing comments to the appropriate ministries.

The Golden Horseshoe has been identified as one of the fastest-growing regions in North America, soon to be probably the third-largest. It's estimated that over the next 25 years the GTA region will see another four million people. This is a result of immigration and migration from other regions within Ontario and Canada. This means that essentially the size of the GTA will double—growth that seems unfathomable and, in our view, is the result of poor planning. We believe the majority of residents in the GTA would agree that there should be a limit to how large this region will become and that it's the province's responsibility to set clearly defined limits and implement strategies now to ensure that future growth in the Golden Horseshoe is controlled. We would like to see more incentives to encourage economic growth in larger urban centres in other areas of the province, outside of the GTA or the Golden Horseshoe. These communities would clearly benefit from the population stability or even population growth.

We support the protection of farmland, open spaces and minimal population growth in rural areas, especially those that surround current urban centres. The government recognizes the importance of agricultural lands around these urban centres; however, at the current rate, I think you're aware that by 2031, 1,000 square kilometres will be gone, which is an area twice the size of Toronto, and 92% of this land is prime farmland. It is therefore very concerning to witness the backlash from farmers who oppose the greenbelt plan because of the lost opportunity to cash in on land speculation. There is a real problem if prime farmland in Ontario is not profitable enough to sustain these families who live on the land. We believe that the government needs to find real solutions to address this issue. We need to ensure that prime farmland is kept or made productive and that our farmers can make a decent living without looking for the big payout to subsidize their retirement.

In terms of planning for future growth, we agree that the focus of development must be intensification within existing settlement borders. We recognize that there will be a fair amount of resistance to this type of development, as many believe that everyone should have their own patch of green space. For this reason, we are concerned about the provision for municipalities to have



a one-time opportunity to expand their urban boundaries before the greenbelt plan is finalized.

CCKT represents the interest of residents of who live in King township, which is a rural community spanning about 300 square kilometres. Roughly half of the population lives outside the three villages of King City, Schomberg and Nobleton, and 10% of our population is involved in agriculture or natural resources. Most of the township is on the moraine, and the Holland Marsh is at the northern boundary. While our residents enjoy the rural quality of King township, the issue is that growth there is in sharp contrast to neighbouring communities in York region, including Vaughan, Woodbridge, Maple, Richmond Hill, Oak Ridges, Aurora and Newmarket. New residential development and some commercial development continue to increase at a frightening pace. Our population of just under 20,000 now represents only 2.4% of the population of York region. Consequently, there are times when the interests and priorities of the region are in stark contrast to those of King township, particularly when it comes to infrastructure. The demand for more and more servicing to support development is a consequence of the growth in the region, and we in King township feel this pressure, particularly when it comes to transportation corridors and water.

On the topic of transportation, we encourage the province to move forward with its plans to establish more integrated transportation networks that improve the movement of goods and services throughout the GTA. I think everyone is aware of the problems with traffic on the highways and the fact that 70% of the highways are at total capacity at rush hour, which may be 18 hours a day. So we believe that obviously transit should be the first priority for investment by the province. In particular, overdue is the need to expand GO train services, to expand schedules and the number of trains, and add connections linking east and west communities.

The amount of road space taken up by large transport trucks is also an issue, and it significantly impacts traffic congestion on the highways. So improvements to mainline rail corridors and incentives for industry to use rail, rather than trucking their goods to market, need to be a priority.

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Regarding the north-south corridor, extending GO train service to Barrie, in concert with other transit expansions and greater use of rail for shipping, should result in a significant reduction in traffic on Highway 400.

We strongly oppose York region's request to expedite the northern extension of Highway 427 from Vaughan through King township. This is an unnecessary investment. We don't believe that another major north-south corridor within an eight-kilometre proximity to Highway 400 is an appropriate expenditure. We believe that rather than creating more 400-series highways, we should be focusing on expanding the transit network.

A related issue is the government's proposal to streamline the environmental assessment process for transit

initiatives. I believe this is in blatant contradiction to the government's claim that protecting the environment is of critical importance. There should be no room for taking shortcuts when it comes to assessing impact on the environment.

On the topic of water, it has been recognized that growth in the GTA has outpaced water and waste water services. This has become a significant issue in York region, particularly in King township. It has been suggested in the government's Smart Growth plan that communities with water supply issues should invest in Great Lakes-based water systems, but this appears to be in contrast to the greenbelt plan, which suggests that water should be dealt with locally. We see this as being more appropriate, since reliance on Great Lakes water for the GTA is short-sighted, in light of the rising problem with the diminishing quantity and quality of water in Lake Ontario.

We believe that the government is headed in the wrong direction by allowing municipalities, especially those on the moraine, to move away from reliance on local water sources and waste water treatment facilities because local capacity impedes the ability to grow the community.

The issue of local water is important to us in King township because more than half the households in King rely on individual or local water and waste water systems. The Oak Ridges moraine plan was developed to protect our water in the aquifer. However, by allowing the hookup of King City to the York-Durham sewer system, vast quantities of local aquifer water will be removed from the moraine, flushing sewage down the pipe which will eventually end up in Lake Ontario. This deficit from the removal of water through the sewage system amounts to approximately 20% of the Young Street aquifer permitted taking by York region. So 20% of York region's water is going to service a village of 5,000 people.

So I would say don't be fooled into thinking that the Oak Ridges moraine plan will take care of protecting ground and surface water, or aquifer water for that matter, as evidenced by the approval of the hookup to the YDSS. It's in everyone's best interest for the government, moving forward, to take a stronger stand on this issue by stopping the removal of clean water from the Oak Ridges moraine. Also, it's the province's responsibility to ensure that growth management plans are implemented in recognition and protection of water capabilities.

The next point is around mineral extraction. Obviously it has the full support of the provincial government even in prime farmland and on environmentally sensitive lands on the moraine and the Niagara Escarpment, as long as the industry repairs the land to its original condition. According to the Environmental Commissioner, though, there is evidence that indicates that land is being degraded at a much faster rate than it is being rehabilitated. Between 1992 and 2000, approximately 5,500 hectares of land were degraded and have been left unrehabilitated.



We're particularly concerned about this, because it alters the water drainage patterns, disrupts stream flows and destroys the capacity to store water. Over time, this results in shortages to our local source of drinking water, and removal of sand and gravel disturbs the natural filtering effect, resulting in poorer water purity.

Because of the environmental impact on our water, aggregate operations on the Oak Ridges moraine and greenbelt-protected countryside should be strictly limited. The government frequently cites the importance of aggregates to the province. However, evidence suggests that currently in Ontario there is little being done to conserve aggregates; in fact, less than 5% of construction aggregates are recycled. We believe that the government needs to take a strong position to develop specific strategies and objectives to increase recycling of construction materials, otherwise it ends up in landfill—which brings me to my final comment.

The proposed greenbelt plan and the Oak Ridges moraine plan include policies that leave the door wide open for the government to locate infrastructure on prime farmland, wetlands and wilderness areas, as long as the need can be demonstrated. We strongly disagree with this position in allowing all types of infrastructure—including dumps, landfill sites—in the protected countryside, particularly when they are counter to the objectives of the Greenbelt Act.

This concludes my general comments. I have two comments specific to the act.

The first is regarding clause 5(j), which states that “the development of transportation and infrastructure” should proceed in “an environmentally sensitive manner.” We feel this is too general. The statement should be strengthened. Maybe the text could be changed to “development should proceed without negatively impacting the environment.”

In 6(2)(d)(ii), the act states that the plan will set policies for “the development of major servicing, communication and transportation systems.” In order to provide better directive to the plan, we feel that the wording in the act must be tightened to ensure two things: (1) that policies related to infrastructure will be restricted in the protected countryside areas and proceed only where all alternatives have been given equal consideration and no other alternatives exist; and (2) that the greenbelt plan should override Bill 136, Places to Grow, in relation to the expansion of new transportation corridors in the protected countryside area.

This concludes our comments related to the wording in the act.

In summary, CCKT wishes to stress that it's in the best interests of the future of the Golden Horseshoe for this government to take a hard-line position, to make the tough choices that will allow us to manage our growth to a reasonable level, to ensure that development does not continue to eat up our remaining farmland and open spaces, and to ensure that our environment and natural resources are protected for generations to come.

On behalf of the citizens of King township, who greatly value the remaining countryside, we much appreciate the opportunity to speak before the committee today.

**The Chair:** Thank you for your delegation. You left yourself with 17 seconds. We appreciate your time.

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## MARKHAM ENVIRONMENTAL ALLIANCE

**The Chair:** Our next delegation will be the Markham Environmental Alliance. Welcome.

**Mr. John O’Gorman:** Good morning. I’m John O’Gorman. I’m from the Markham Environmental Alliance.

**The Chair:** Welcome. You have 15 minutes. If you don’t use all of your 15 minutes, everybody will be able to ask you questions.

**Mr. O’Gorman:** I’d like to thank the government for bringing forward the bill. I’d like to ask that it is passed as quickly as possible, even if there are flaws and shortcomings, because it will protect the agricultural lands. You do want to preserve agricultural land as a continuing commercial resource of food and employment. But the agricultural land itself is nothing without the farmer. From the days of the Greater Toronto Services Board, when we were looking at the countryside strategy, the line came out that “If you look after the farmers, the farmers will look after the land.” Agricultural land is not just a natural resource; it is also a social resource. It is the source of our food.

Society has totally changed so that we are mostly from the urban area and are not in contact with our food. It can come from Chile or Peru or China instead of next door. One way to help the farmers help us is to put a face on food, that is, to stop treating food as a commodity and put emphasis on local food. Local food is a food security issue. Food security becomes important when we look at the ease with which the border can be closed these days and the panic that happens when there is a disease. How will we protect our food supply?

One of the things required for farmers to keep farming came from the greater Toronto agricultural economic impact study by Neptis, and that is critical mass. You need the components of the network that supports the farmers: the suppliers, the repair depots, all the things that go into supporting the agricultural industry. There are stories now that the suppliers see the writing on the wall and are moving out of the GTA. And not only that: There are other stories that farmers are taking advantage of the offers of the land speculators, selling out and moving to new farmland.

The land that remains is being rented by the remaining farmers. There we have the conundrum that our society is supporting the land speculators by giving them the decreased tax rate if they rent their land to a farmer and it is being farmed. I’m not quite sure what to do about it, but I do know that rented land is not loved land. It is not necessarily maintained well or improved. The infra-



structure may not be maintained and the repairing and plantings may not be made.

We then come to the point, who would buy the land even if we did free it up? We don't have a supply of new farmers. There is no assistance from OMAF or anyone else to encourage new farmers to take up the job. I know from my work on the Toronto Food Policy Council that there are immigrants who are interested in producing, but they are not going to step out and buy a 100-acre farm. What they will do, though, and what I've seen some of them do, is to work for a year or two on two or three or 10 acres and try their hand at producing. If they succeed there, then they'll expand.

We don't have any source of new farmers. Immigrants are one source. There are the children of farmers, who might want to move on to a farm but don't have the resources. We just don't encourage them.

Infrastructure is another point. Every time you put through roads and sewers, you divide farms, you break up farmland, you reduce that critical mass, and you know that you do, because you call it an economic corridor. The economic corridor, as we've seen over many years along the QEW, the 401 and the 400, ends up in ribbon development. This totally splits agricultural land. Back in the bad old days of putting through railways, they used to accommodate that. If they split a farm, they'd put in bridges, they'd put in underpasses, they'd put in overpasses, so that the farmer could safely get from one side of the farm, past the railroad, to the other. Doing this for a four-lane highway is perhaps not possible—but it's the idea. You know that you're breaking up agricultural land and that critical mass.

Natural features: Again, the greater Toronto area agricultural action plan tells us that almost 20% of the significant environmental features are on farms. The WTO does not allow any more subsidies for crops, but we can pay farmers for environmental services: maintaining the woodlots, streams, rivers and wetlands on their properties. They also have the problem of the destructive activity of the wildlife—raccoons eating corn, deer eating crops. If we can't pay them and subsidize them for the actual product, we could pay them for feeding and supporting the wildlife and not destroying it.

The last thing that I want to get into is the urban shadow. The urban shadow presents a unique advantage to small-scale farmers. If they grow in the urban shadow, they have the special markets of pick-your-own, value-added, local foods, the CSA—community-shared agriculture—because they can deliver to the urban population. But again, the idea of having 100 acres fully in vegetables is awfully heavy work. A person might want to work on five or 10 acres, which brought me to the idea of an agricultural condominium. We have condominiums for housing and for offices and for manufacturing; why not have agricultural condominiums, where three, four or six farmers would share property and keep the land in production?

On that point, I'm running out of juice, and also ideas. Thank you.

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**The Chair:** Thank you, Mr. O'Gorman. We have almost 45 seconds for each party, so I'm going to start with Ms. Churley.

**Ms. Churley:** Thank you very much for your presentation. There's no time to ask a question and get an answer in 45 seconds. May I just say, though, that you raised some very good ideas. I'm particularly concerned about some of the things you raised around the highways and the infrastructure, the aggregate extraction and all kinds of things that the proposed legislation is allowing. I'm also glad that you pointed out that farmers need support to stay viable, which we need to talk more about, because it's not part of this plan.

So thank you very much for raising these very important points. I will be making amendments to the government's plan to try to deal with some of those.

**Mr. Tony C. Wong (Markham):** John, it's good to see you here. You and I have worked on a number of projects and initiatives in Markham. I want to ask you a very quick question, and that is on viability as well, because this has been raised by a number of groups and individuals. Do you think that issue could be satisfactorily addressed within the context of land prices and others?

**Mr. O'Gorman:** The viability of farmers?

**Mr. Wong:** Yes.

**Mr. O'Gorman:** It must be. If you don't keep the farmers using the land, it is going to get turned into non-farm use. John Barber had great fun with the idea this morning in his column. We must support the viability of farming. The OFA has been eloquent on their difficulties. I'm sorry that they reached the conclusion that their only option is to sell to speculators.

**The Chair:** Mr. O'Gorman, I'm going to have to go to the next party.

**Mr. Hudak:** Thank you, Mr. O'Gorman, for your presentation and the very important points for this panel to consider. I know my colleague Mr. Wong has made some positive comments about agricultural support in the past. In fact, he said to the Markham Economist and Sun that he believes that we need to answer farmers' complaints with environmental payments or Quebec-style price subsidies, support which I think most farmers here will appreciate. Therefore, Chair, I'd like to put a motion on the floor that reads as follows:

I move that the government table an agriculture support strategy acceptable to Ontario farmers prior to bringing the greenbelt bill to the Legislature for a final vote, to ensure farming in the greenbelt remains a viable way of life, and that the agriculture support strategy takes into consideration the recommendations of Tony Wong, MPP for Markham, that "the province might have to answer farmers' complaints with environmental payments or Quebec-style price subsidies."

Chair, I'll give a copy of the motion to the clerk for distribution.

**The Chair:** Thank you, Mr. Hudak. Your time has expired, so maybe we can discuss this once we've had a



chance to get a copy to all the members. Would that be acceptable?

**Mr. Hudak:** We could supply copies to the members, Chair. In light of Mr. Wong's comments and that the York Federation of Agriculture is our next deputation, I'd appreciate Mr. Wong's comments on my motion and perhaps we could have a vote on that motion to table that kind of agriculture support plan in the Leg. before this bill is voted upon.

**Mr. Wong:** On a point of privilege, Madam Chair: I'm on record opposed to compensation to farmers on the basis of land prices because I do not feel we should compensate them on speculative values, but I did indicate that the government should consider other forms of support.

**The Chair:** Any further discussion?

**Mr. Hudak:** I appreciate Mr. Wong's point. We do have him quoted in the Markham Economist and Sun from November 11, 2004, where he said, "The province might have to answer farmers' complaints with environmental payments or Quebec-style price subsidies." I hope Mr. Wong will stick with that opinion.

All I'm asking for in the motion is that this committee call upon an agriculture support plan to be tabled in the Legislature before the government calls this bill for third reading. It was in the commission suggestions, and we've heard over and over again from environmental groups, farmers and municipalities that there should be a farm support plan hand in hand with this legislation. I would like the committee's support for that, and hopefully Mr. Wong's support for this motion.

**Mr. Wong:** In response to that, I think what I meant, even within the language that was quoted when I indicated that the government might have to answer to, that means to deal with and not necessarily meaning to act in accordance with.

*Interjections.*

**The Chair:** Hold on a second. I'm going to go to Mr. Klees.

**Mr. Frank Klees (Oak Ridges):** I just want to reiterate the point that Mr. Hudak made and support the motion. I'm disappointed that Mr. Wong is backsliding on this principle because I believe no one is expecting that farmers—and I don't believe there's a farmer, certainly not that I've spoken to, who expects to be compensated at development prices. The issue here is, if this government is going to force farmers to stay on their land and not be able to make a profit by selling it, they should at least have in place an agricultural policy that makes it possible for farmers to make a living by farming. That's the issue here, and I would expect this committee to take the opportunity to send that very strong message to the government by passing this amendment, ensuring that, before we overlay this greenbelt legislation, we take into consideration the implications of this proposed legislation. Let's ensure that before we take this step, we protect property owners, we protect the rights of farmers in this province and we then get on with the issue of land use.

**The Chair:** Can I just—

*Interjections.*

**The Chair:** I will recognize people. Please let me get the facts straight as to the motion. I believe it's going to say, "I move that the committee ask the government," is that right, Mr. Hudak?

**Mr. Hudak:** Thank you, Chair.

**The Chair:** At the beginning of the motion. Ms. Churley, you're recognized.

**Ms. Churley:** I object to this process. I just received this. I fully support the notion of bringing in programs to assist farmers. I've said that time and time again and I will continue to fight for that. But to get a motion placed before me like this, to have a debate now when people are waiting to speak to us, I think is unfair. I can't support this or not support it at this point because I don't know a lot about the Quebec program. I need more information. I need to know what it is I'm voting on. It's unfair to ask me to do that on short notice without information.

So I would suggest, so I have more time to look at the ramifications and implications, that we get on with hearing from our deputants and we deal with this at the end of the day when we've finished hearing from people.

**The Chair:** So are you requesting deferral?

**Ms. Churley:** I am requesting deferral.

**The Chair:** I believe a deferral is non-debatable, so we could vote on the deferral before we go back to the motion.

*Interjection.*

**The Chair:** All right. I'll go through the list of the speakers and then we'll get to the end and you can vote appropriately. I believe Ms. Van Bommel is next.

**Mrs. Van Bommel:** As a farmer, the issue of viability is very close to me and it's very important to me. But the motion here isolates and concentrates and focuses on farmers in the greenbelt. Viability is an issue for every farmer in this province, for every farmer in this country. To set aside a group and say that their issues are more important than the rest of the farmers, I have real difficulty with.

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The Premier has put together a round table of agriculture and he has asked them to address these issues. I think that the viability issue for agriculture is distinct from the greenbelt. I've watched and listened as the members across the way have practised their political farming. I'm telling you, that dog is not going to hunt. You're not going to concentrate and focus on one group. Your government did nothing for the farmers during the Oak Ridges moraine debate. To suddenly come forward and use this opportunity for your political gain is totally inappropriate. The farmers in this province are in real difficulty, and we're working with the minister to do that. Like I said, it's an issue that is distinct from the greenbelt and it needs to be dealt with.

*Interjection.*

**The Chair:** Excuse me. Can we allow the speaker to finish her comments? You weren't interrupted.



**Mrs. Van Bommel:** Thank you, Chair. That's it.

**The Chair:** Are there any other speakers? I know Mr. Hudak wants to amend the motion again. What are the amendments before I go to the rest of my list?

**Mr. Hudak:** In light of my colleague from Toronto-Danforth's comments, I'd like to amend the motion to read as follows: "That the committee ask the government to table an agriculture support strategy acceptable to Ontario farmers prior to bringing the greenbelt bill to the Legislature for a final vote, to ensure farming in the greenbelt remains a viable way of life"—period, end of motion.

**Mr. Brad Duguid (Scarborough Centre):** Flip-flop and delay.

**The Chair:** Excuse me. Please stop interrupting.

**Mr. Duguid:** I'm sorry. I was thinking out loud.

**The Chair:** I understand. So the last words would be "viable way of life" at the end of your motion.

**Mr. Hudak:** Thank you, Chair. We'll take out the issue of Quebec-style price subsidies that the member had brought up.

**The Chair:** All right. Mr. Wong, you're my next speaker.

**Mr. Wong:** I'm really flattered that my colleague Mr. Hudak used my name for his motion, but he got it wrong. If you read my comments carefully, Mr. Mike Adler actually was substantially correct; that's what I said. But again I repeat myself by saying that I indicated that the province might have to answer these complaints. I did not indicate that it should be added in accordance with their request. As a lawyer by profession, I know exactly what I said, and I stand by those comments.

**Mr. Jean-Marc Lalonde (Glengarry-Prescott-Russell):** I don't think we're here to discuss any government subsidies toward the farming community at the present time. But let me tell you, when we talk about the Quebec-style price subsidies, we have to do some research. I'm at the Quebec border, and a lot of farmers from Quebec are buying in Ontario because they have to pay less for their equipment. Apparently, the subsidies they're getting are incorporated in the purchasing of supplies and machinery. Before we come down with subsidies, we have to do an in-depth research of the implications for purchasing equipment to the farmers of Ontario.

**The Chair:** I remind the speakers that you are only speaking to the motion.

**Mr. Klees:** I would like to speak to the motion. I believe the amendment that Mr. Hudak has put forward does address Ms. Churley's concerns. It focuses the amendment in on the issue, that is, that the legislation before us will do serious harm to farmers who are caught in this legislation.

What we're attempting to address here is simply a matter of timing; that is, rather than proceed with this legislation, that the government gets it right and that we give the government an opportunity to bring forward an appropriate strategy to protect farmers and the economic viability of farms before we encroach on their property

rights through this legislation. I think there's an urgency here.

**Ms. Churley:** I don't want to get caught up in the middle of this—what would we call it?—fight between the Liberals and Tories. My suggestion that we put this off out of respect for the people waiting to talk to us—that dog's not going to hunt either, it appears.

So let me say that I'm not supporting this motion, and I'm not supporting it even with the amendment, for two reasons. First, I have not had a chance to look at the overall implications of what's been asked for here. Second, as I've said before and will say clearly again, although I have grave problems with the legislation before us in terms of what has been left out and a number of other pieces that have not been dealt with within the context of this legislation beyond supports for farms—the Places to Grow Act, the watershed source protection planning act, the rural plan, the Strong Communities Act, the provincial policy statement reform, the OMB reform. There are a whole lot of pieces that I'm disappointed we're not able to deal with holistically.

Having said all of that, I am not willing to attempt to hold this very important legislation up. What I intend to do is put forward my amendments to improve this legislation, because we do need support for farmers and we do need to look at all the critical pieces that have been left out of what's in the greenbelt. I'm hoping very much and planning on fighting very hard to get those amendments accepted. But I believe it's really dangerous for those of us who support the need for a greenbelt to put forward motions to hold it up, because I believe the pressures out there to in fact not make it stronger, which is my object here, make it weaker.

I don't want to get caught up in this crossfire. I want us to move on and hear from people so the government can hear what they have to say and we can put forward appropriate amendments to fight for those things in the legislation and in the Legislature itself.

**The Chair:** Mr. Yakabuski.

**Mr. John Yakabuski (Renfrew-Nipissing-Pembroke):** I'm concerned about the comments on the other side about this motion being political. What we're trying to do here is protect farmers where their concerns and interests have been ignored by this legislation.

Politicking is what this bill is all about. This bill could be called P4: "Polling before planning; politics before protection." That's what this bill is all about. It's all about politics, not about science, not about protection. We're trying to ensure that as this process goes on, for some of the key components being affected, one being farmers, there's some redress as part of this legislation, not, "We'll see what we can do down the road if you're decimated or affected so negatively." I think it has to be part of this process, not part of some rethinking down the road. This motion of Mr. Hudak is designed to address that.

**The Chair:** Ms. Matthews.

**Ms. Deborah Matthews (London North Centre):** I would like to say that I am very embarrassed to be here



as a member of this committee having this political fight when there are people waiting to present. I'm here to listen to what the deputants have to say.

*Applause.*

**The Chair:** Please. The audience is not to be involved clapping, or I'll clear the room.

**Ms. Matthews:** This clearly is another Tory tactic to delay the passage of this very important legislation. I'm embarrassed, I'm ashamed, and I say let's call the vote now.

**The Chair:** Mr. Duguid.

**Mr. Duguid:** I completely agree with those comments, but I will make one final comment. I will be encouraging all members of the committee on all sides to vote against this motion. There was certainly plenty of time for the members who moved the motion to try to address the viability of farming during their eight years in government. They did nothing.

This is not a new issue. It didn't start 12 months ago. It's something we're trying to come to terms with and will deal with.

A back-of-the-envelope motion is not the way to deal with that issue. I think it's time now to recognize what's going on here. It's a delay tactic. Prior to Christmas, Mr. Hudak and Mr. Tory were in support of this legislation. Following the Christmas break, obviously things have changed. They've flip-flopped and now they're doing everything they can to water down the greenbelt, everything they can to try to prevent this legislation from coming forward on a timely basis. This side recognizes what they're trying to do and will have none of it.

**The Chair:** Ms. Munro.

**Mrs. Julia Munro (York North):** I just want to clarify the point that I think has been made by the introduction of this motion. The previous speaker referred to the fact that he sees this bill as an opportunity to deal with the issue. That is exactly the intent of the motion. We have seen, through the public hearing process, the consistency of the issue raised, and this motion simply asks that the government provide some kind of demonstration of their commitment to providing a viable way of life. That's the intent. Quite frankly, when the previous speaker talked about dealing with the issue, that's what we're looking for.

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**The Chair:** Mr. Hudak.

**Mr. Hudak:** I'm not going to belabour this issue. I think the motion as it stands, the amendment on the floor, is very simple. We are simply looking for the members of the government side to put their money where their mouth is. Over and over again, the minister has promised an agricultural support plan, but my goodness, he has deserted the field. It has been over a year and he has not come through. All we are asking for through this motion is for the government to make good on its word and bring forward an agricultural viability plan before they call this for a third-reading vote.

Mr. Wong introduced the topic. He brought it up moments ago. I'm just asking him to put his money

where his mouth is, to vote in favour of an agricultural support plan for farmers. I'm disappointed in Mr. Duguid's comments. His acquaintance with the truth is a passing acquaintance at best, I think. He knows very clearly that we voted against the greenbelt legislation at second reading because it has become a greenbotch scheme. We've heard over and over again about the lack of science behind this bill. In Caledon alone, 69 problems have been identified by the municipality.

**The Chair:** Mr. Hudak, could I ask you to speak just to the motion, please? We do have people waiting. I'd like you to speak just to why you support the motion, please.

**Mr. Hudak:** Fair enough. Their own task force report, Toward a Golden Horseshoe Greenbelt, submitted to the government, which they say they are following through on, calls for a farm viability plan. They said:

"The task force hopes this team will address the concern that:

"Protection of the land alone does not ensure agricultural viability, and the province should pursue complementary initiatives including economic development, research and monitoring, promotion of agricultural easements, and land trusts for farmers who participate in conservation activities and use best practices and management."

You're ignoring the advice of your own committee that you appointed. Please support the motion. Please say you'll do something for farmers before you call this bill for third reading.

**The Chair:** I think the vote has been called. The only person left who hasn't spoken is Mr. Rinaldi.

**Mr. Lou Rinaldi (Northumberland):** I support my colleague's call to vote. There's no question about viability for the farmers. I hear from them every day, and I've said this over and over again. I think what we're doing here today with the greenbelt is establishing the first step. We are protecting farmland. What part don't we understand? We are protecting farmland in the greenbelt. Yes, we have to address the viability issue, and not just within the greenbelt, but we are starting. This bill speaks—you're trying to do it through the back door. Put your money where your mouth is. What happened during the Oak Ridges moraine? What did you do to those farmers in my riding that you imposed the Oak Ridges moraine on, or have we forgotten all about that? That was only three years ago, Mr. Hudak. We are protecting farmland. This is a first step. We are. We're going to vote against your resolution and carry on.

**The Chair:** Mr. Hudak has moved "that the committee ask the government to table an agriculture support strategy acceptable to Ontario farmers prior to bringing the greenbelt bill to the Legislature for a final vote, to ensure farming in the greenbelt remains a viable way of life."

**Mr. Hudak:** Recorded vote, Chair.

**The Chair:** A recorded vote has been requested.



**Ayes**

Hudak, Yakabuski.

**Nays**

Churley, Duguid, Lalonde, Matthews, Rinaldi, Van Bommel.

**The Chair:** That vote has failed.

**YORK FEDERATION OF AGRICULTURE**

**The Chair:** Our next delegation is the York Federation of Agriculture. Please come forward. Thank you for coming. For the purposes of Hansard, could you identify yourself and the organization you speak for. You are entitled to 15 minutes to speak. Should you use all of your time, there won't be time for questions, but should you not, I'll ensure that everybody gets a chance to speak to you.

**Dr. Terry O'Connor:** My name is Terry O'Connor. I am the president of the Federation of Agriculture in the region of York. We are affiliated with the largest farm organization in Ontario, the Ontario Federation of Agriculture, which you heard from yesterday. In York region, we have just under 800 members in the business of food production.

I would first like to thank the committee for the opportunity of bringing the concerns of York agriculture regarding the implementation of Bill 135.

In retrospect, the GTA is haunted by the failure of the Darcy McKeough Toronto-centred region plan, which wasn't accepted back in 1971. If we had been able to move that plan together, it would have predated a lot of the issues we're addressing today, and now we've been clamouring to control sprawl ever since. Even now, as some of the other speakers have mentioned, why haven't we seen the Caplan report, Places to Grow, prior to the bringing forth of the greenbelt legislation?

As indicated in the 1999 and 2004 impact studies, agriculture in York is still a major contributor to the regional economy in spite of urban sprawl. As well, farming contributes substantially in protecting the environment and water supply. Protecting green space is an admirable goal but should not be achieved, as you've heard today, on the backs of a small minority of constituents.

I would like to address three areas of food production where Bill 135 will have a significant effect.

Certainly in equity: I expect you will hear many times over these four days of meetings that you can't protect farmland without protecting the food producer. Farmers in York region are frightened by the prospect of tremendous loss of equity, probably more than anywhere else in the GTA. Equity in land provides farmers with three things: possible retirement funding, the ability to transfer assets to the next generation, or borrowing for capital and operating costs.

As an example, one of our members, Jamie Huntley, has operated a productive farm in Sutton for almost 60 years. Now, he has no next generation to continue farming and no buyers for his property since the greenbelt was announced. As well, he is burdened—and this is an issue most people don't realize—with a residence that is entwined with his farming operation and is unable to separate the house and live out his retirement.

**Long-term viability:** Last summer, the agriculture task force that we lobbied for was not given a direction to study the options to ensure the long-term viability of farming in the context of the greenbelt legislation and certainly in the context of agriculture in Ontario, as member Van Bommel mentioned this morning. It's certainly a problem right across the province, and you'll hear quite a bit about it this afternoon. Two or three of the people who are speaking are friends of mine, and they're going to talk about the disaster in the corn and oilseed situation as we know it right now.

Every study and recommendation on viability that I have seen ignores the viability issue and leaves us without any concrete recommendations to examine and review. North America has a cheap food policy. Here in Ontario we compete not only in the global market but also regionally. Due to the policies in places like the United States and Quebec, the burden of a cheap food policy in Canada is disproportionately borne by the primary producers.

It's an embarrassment to me, as a farmer who has been in the industry for over 50 years, to see this information come out from Pickseed's Forage Informer. They did an interview with an operator in Shawville, Quebec, and this is an excerpt: "Farming in la belle province has advantages, although Cyrus, who is the owner of the farm, told me a couple of times that 'You don't need to write that.' I do want to comment on the favourable position that the Quebec government has taken toward their farmers. Quebec not only recognizes the key importance of farmers to food production but also has in place funding programs that actually encourage farming—something that the Ontario government could learn from."

Next week, February 10, is approximately Food Freedom Day in Canada, where the average Canadian has spent 10% of their disposable income on food for 2005. This includes groceries and restaurant meals, even Tim Hortons. This is the smallest amount in the world. Why do the primary producers get only 11 cents from a loaf of bread that costs \$2.89, or six cents from a box of Oatmeal Crunch cereal that costs \$4.69? It just isn't right. It's been reported that athletes—Wayne Gretzky makes more from a box of cereal that he endorses than the primary producer.

**1130**

We in agriculture are not supported either federally or provincially. We are not high on the radar screen when compared with such hot-button issues as health care and education. Every time there's an issue around health care, we respond differently than we would for something as important as agriculture.



Provincially, we have seen the devastation of the Ontario Ministry of Agriculture and Food with ongoing cutbacks. In York region, we've lost our last remaining personal contact with the OMAF staff and see the effects of the cutbacks to program after program. One of them has been the tile drain issue. This is an unfortunate attitude to take in view of the long-term ramifications. In other North American jurisdictions and throughout the world, we see that the state shows respect for the food production industry and places a premium on the security of their own food source.

In the last few years, farming is under increased financial burden with new regulations such as nutrient management, source water protection, and now in York region we're addressing a new tree-cutting bylaw, a bylaw that has no consideration for the long-time experience and judicious use that farmers have carried out in their woodlots. With all the environmental programs in place, maybe we could suggest one called source protection for food.

Liability and public use: Under the trespass act, farmers really live in fear of the possibility of liability when there is an increase in the perceived public ownership of lands or connecting areas. Hansard reported when the greenbelt was first announced that there would be great emphasis placed on recreation. That scares farmers. It's much like farming in the park. As everyone knows, we live in a litigious society and there have been some terrible issues around problems with people running on your land.

In the countryside where I live, farming is only considered important as a protection of the rural landscape. They move out into our area and then complain about agriculture. It's very typical. Everyone wants a piece of land. They are opposed to sprawl but will not accept densification, so they move to the area where we are conducting the business of food production. I have had the experience of a horn blast and snide remarks when I've been out on the road.

So where do we go from here? To preserve food production, we need understanding from the federal and, more importantly, the provincial governments. We need concrete development with a light at the end of the tunnel to keep farmers on the land. We must address viability if society wants food production to be part of the rural landscape.

We should develop partnerships to legitimize public funding. We need a high level of private sector involvement and investment. We need something akin to a rural development commission, with economically and politically powerful partners. We have to get all of society to understand and support the needs of agriculture if the greenbelt is to succeed. We must work together to find the balance of environmental needs with food production and other agricultural needs, and a recognition of the value of food production as it fits into the important requirement for us to protect the environment and the rural landscape. Agriculture is the one renewable raw resource that this country was built on. My great-great-

great-grandfather came in 1830 to settle out in the Ajax area and I have nephews still on the farm. So it's been a wonderful resource for this country and it really built this country. Lose agriculture and there will be many issues around the protection of human health and the environment.

How can we arrive at suitable compensation with society as a partner? There are examples in the US, Europe and British Columbia where the government has set aside land to remain in agriculture with a suitable compensation package to keep the land productive. I would leave that challenge to the government's policy advisers. I was pleased to see the presentation yesterday of Neil Currie on the issue in the States, where they promoted the land—the land was owned and supported by the government.

I would caution the policymakers about the issue when they're looking at BC. I have a letter here to the editor of Small Farm Canada and I would just read one paragraph:

"It would behoove Ontarians to take a good look at the failings of the BC system, where, because of cabinet bungling, our 'reserve' has simply become nothing more than a system of open or green space preservation, an urban containment boundary, paid for solely by the diminished farm population of the province."

So they need to step back and take a hard look, as you heard this morning, and create an advisory committee to investigate a solid framework and realistic methods for achieving greenbelt goals, as well as long-term, sustainable agricultural goals. Rushing to push through Bill 135 without having this framework in place and without including the valuable contribution from the food production industry will lead to chaos and failure to achieve the very noble goals set forth.

The greenbelt designation must be delayed until the viability of primary food production has been assessed. We need the implementation of a clearly defined road map with a just and adequate compensation program.

I read an article in the Financial Post, dated Wednesday, April 21, 2004, which said:

"For the first time in memory, possibly for the first time in Canadian history, a prominent government panel is recommending that unsustainable rural areas in Canada's heartland be taken off life support and allowed to die a natural death...."

"A major Ontario government report, produced by its panel on the role of government and praised by Ontario's Premier, dismissed the notion that the rural economy is a bedrock. The panel concluded that much of rural Canada is economically unsustainable, that it is futile to try to artificially sustain rural industry, that population decline is inevitable, and that the government should abandon regional development programs."

I hope that doesn't include agriculture.

**The Chair:** Thank you, Mr. O'Connor. We have a minute for each party, beginning with the government side.

**Mrs. Van Bommel:** I want to thank Dr. O'Connor and the York federation for a very well-thought-out



presentation. Your last comments about the Panel on the Role of Government in Ontario—that panel was put together by the previous government, and I'd like to assure you that our government does not support that. We feel that there is life to be had in rural Ontario, and we need to support not just the rural economy, but the agricultural economy. So I congratulate you and encourage you.

One of the questions I do have for you is, how do we help young farmers stay on our farms? That's a real issue for all of us in agriculture.

**Dr. O'Connor:** Viability is number one. There is only one issue involved in keeping your sons and daughters on the farm, and it's viability. As you know, there is just no viability in agriculture this year. BSE and the grains and oilseeds are just tremendous difficulties this year.

**Mr. Klees:** Dr. O'Connor, thank you for your presentation. In your closing statement you make the comment that "the greenbelt designation must be delayed until viability of primary food production has been assessed." That was the essence of an amendment that was put forward just recently and voted down by every member of the government.

I want to ask you this question: Given the greenbelt legislation and the impact that it has already had on the value of farmland caught within the greenbelt, when it comes time for farmers to renew their mortgages, can you tell this panel what you anticipate will happen?

**The Chair:** You have 26 seconds to answer that.

**Dr. O'Connor:** Well, it's very difficult. I would ask you to listen to some of the speakers this afternoon. One of them, I think, will be speaking directly about that. He's got a large operation. We have some of the biggest what we call grain and oilseed farmers in Ontario in the York region.

**The Chair:** I'm sorry, Dr. O'Connor. You can't answer the question because the question was too long.

**Ms. Churley:** Thank you, Dr. O'Connor. This may seem a little far-fetched, but I want to make an analogy here. Even though I represent a downtown riding in Toronto, I hail from Newfoundland, and I watched the fish disappear and young people leave, and it's all over the news these days about the flag flap. I don't want to see that happen in rural and agricultural communities. What you and many are describing goes well beyond what's going on with the greenbelt.

I'm a supporter of the greenbelt. I want to improve it and make it better, because right now I believe there are political boundaries involved. But I just wanted to let you know that I think what you're saying—I don't support you on delaying this, but I support everything else you're saying around making farms viable and working with the other levels of government to make that happen on an urgent matter because of BSE and low commodity prices and all kinds of other things that are happening. You're absolutely right on.

**Dr. O'Connor:** The world is covered with the carcasses of programs that didn't work.

**The Chair:** I'm sorry, Dr. O'Connor, you don't have time left. I'm trying to keep us to schedule. Thank you very much for your delegation.

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#### BOND HEAD BRADFORD WEST GWILLIMBURY RESIDENTS FOR RESPONSIBLE DEVELOPMENT

**The Chair:** Our next group is Bond Head Bradford West Gwillimbury Residents for Responsible Development. Please come forward.

**Mr. Klees:** Chair, while the presenter is coming forward, if I could just ask your consideration. In the past when I have attended meetings, presenters have at least been given the opportunity to complete their sentences and wrap up. I really would ask you as Chair to give that kind of consideration.

**The Chair:** I hear you, but I was accused yesterday of not being fair and not allowing everybody sufficient time. I have a responsibility to ensure that these public hearings run on time. We are already half an hour behind. With respect, we have a lot of people who have taken time out of their day to be here and we need to run on schedule. So my advice to members of this committee is to keep your questions short. They shouldn't be an opportunity for you to make a speech prior to the question.

Good morning, gentlemen. I'm sorry that you've been held up this morning. Please introduce yourselves for Hansard and identify the group that you're speaking for. You'll have 15 minutes when you do start.

**Mr. Phil Trow:** Honourable MPPs and Madam Chair of the legislative standing committee, I am pleased to be here today, along with Robert Keffer, to share our input with your committee on the proposed greenbelt legislation. My name is Phil Trow. I am the chair of the Bond Head/BWG Residents for Responsible Development, a group that is focused on protecting the rural and agricultural character of our community in south Simcoe county.

The town of Bradford West Gwillimbury is located only a few kilometres north of the Oak Ridges moraine, but outside the proposed greenbelt boundary. Our small hamlet of Bond Head is located on some of the best non-tender fruit land in Ontario, as will be discussed by Robert in the second part of our presentation.

While we applaud the government's efforts to preserve a greenbelt around the GTA, as it stands, the proposal has left the communities and farmland in south Simcoe vulnerable to large-scale leapfrog development and urban sprawl. This is the community where I live amongst neighbours, many of whom are multi-generation farmers.

In May 2004, Neptis Foundation released a report titled Simcoe County: The New Growth Frontier. This report identifies the factors driving development north of the Oak Ridges moraine, the reasons why developers are proposing such large-scale developments on greenfield sites, and what these proposals mean for Simcoe county and the province. According to Neptis, "Simcoe county is



an important test case for the region and the province as a whole. If the smart growth policies promoted by the province fail to be implemented here, it will signal that the existing planning regime is unable to meet the challenges posed by rapid growth." Clearly, Neptis has identified south Simcoe as the region most threatened by future growth.

The government's greenbelt proposal and commitment to smart growth haven't changed the attitude of developers. Since the greenbelt's proposal, we have seen accelerated interest by developers in securing farm properties in our community and in south Simcoe. Developers are following the path of least resistance by leapfrogging the greenbelt study area.

In my town, a developer has submitted a proposal to amend the official plan to clear the way for a massive development on prime agricultural land. This development would increase the population of the hamlet of Bond Head from a few hundred people to 70,000 people over the next 25 years, subsequently increasing Bradford West Gwillimbury's population of 24,000 to 120,000. This is a greenfield proposal that falls outside of our town's development boundary and it contradicts the guiding principles of our community's official plan. The developer's proposal encompasses 6,200 acres, of which 78.4% is prime agricultural land.

My town is not alone in facing severe development pressure. In fact, lands just a few kilometres away from us are also facing massive development proposals. These include a development at Thornton for 50,000 people and several development proposals in New Tecumseth.

Bradford West Gwillimbury is the first municipality north of the greenbelt boundary along the Highway 400 corridor. We congratulate the government for expanding the greenbelt study area to include the missing half of the Holland Marsh, which lies within Simcoe county, but they should have included further expansion into the environmental and agricultural areas equal or superior to the Holland Marsh. We consider our prime agricultural land as a jewel in the agricultural communities of Ontario.

At this point I'd like to introduce Robert Keffer, a seventh-generation farmer.

**Mr. Robert Keffer:** I am a dairy farmer. I live in an agricultural community. My family owns 325 acres located approximately two miles south of Bond Head and three miles north of Highway 9, the northern boundary of the proposed greenbelt.

The Holland Marsh is three miles from my property. Within a three-mile radius, the milk truck can pick up milk from 10 dairy farms. Within this three-mile radius there are also a major farm equipment dealership; two grain elevator operations; three fabricating and welding businesses; three seed cleaning dealerships; four seed corn dealerships; 10 trucking businesses that transport our farmers' grain, livestock or milk; a cheese factory; a chicken processing plant; and a marshalling yard for Gencor Foods.

Within a 10-mile radius we also have Ontario's largest cattle auction and stockyards; two additional grain elevator operations; three fertilizer plants; four abattoirs; four feed dealerships; and three communities that host spring or fall agricultural fairs.

If this is not a vibrant farm community, what is? Show me another agricultural community in Ontario with as great a concentration of agricultural infrastructure. For over 50 years, progressive farmers from the York region have purchased farms in my community, and this trend still continues today, with six farmers purchasing land over the past six years. The question is, why did these farmers purchase farms in Bond Head? These are discriminating buyers who have had the opportunity to check out the best land in all of Ontario, and they chose the Bond Head area. These farms were purchased from farmers who were retiring. I cannot think of a farmer from my community who has sold and relocated his farm operation to another part of Ontario, looking for greener pastures.

We have the consistent microclimate and soil conditions to generate excellent yields on our prime agricultural land. This means that I can be on the land earlier in the spring. My wife grew up on a farm 12 miles from Bond Head, and after marrying me she commented, "Where are the stones to pick?" This shows that our pocket of land is special. Of note, the six-year average yield for corn, soybeans and winter wheat from 1998 to 2003 is higher in Simcoe county versus York, Halton or Peel. Agriculture is also healthy for our environment; crops remove carbon dioxide from the air.

What does this have to do with the Greenbelt Act? We are presently zoned agriculture in our official plan, but despite this designation we are still being inundated by speculators. The current system is not working. We need help. Speculators are scrambling to take control of this prime agricultural land. Since the middle of January, my family has been contacted by five different people wanting to purchase my land for the purpose of development. We tell them we are not interested in selling; we need our land for our farm business. Neighbouring landowners have also been approached with offers. It is not a healthy situation for the agriculture industry to have developers trying to tie up land for possible future development. Haven't these developers heard the comments from the Honourable John Gerretsen saying he is going to preserve prime agricultural land? Why are they pursuing the purchase of lands within weeks of the greenbelt standing committee hearings? We need protection.

A 1999 study on the economic impact of the agriculture industry in Simcoe county showed that it directly employed 4,770 people and over 14,000 jobs were tied to agriculture. Sales locally, nationally and internationally totalled \$265 million per year, and the agricultural community spent \$235 million per year locally on goods and services.

Farmers do not require municipal water services, municipal sewage treatment plants or new county, provincial or municipal roads. Most farmers do not clog the roads



with traffic in rush hour, as many are able to walk to work. Farmers are community-minded people who keep local communities strong.

The agriculture industry in my community is a vibrant, self-sustaining economic entity that is a critical component of this province's overall well-being. Because this and other Ontario farming communities function so well as an industry, their importance is all too often taken for granted.

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The past few years have been very challenging for farmers. Farmers in Ontario need a farm plan to make farming more viable, but the first step is to protect prime agricultural lands by preventing development on them, like other jurisdictions have implemented around the world. Opening the door to leapfrog development on prime agricultural land is not the answer. We must protect this finite resource. Ontario needs its agriculture industry.

**Mr. Trow:** The objectives and visions of the Greenbelt Act can only be realized if all the areas within commuting distance of the GTA are included. Otherwise, the act will encourage urban sprawl as developers move farther from the urban centres. Did you know that the Bradford West Gwillimbury official plan allows for a population of 20,000 more people? With increased urban densities, my town could accommodate greater urban density within its boundaries instead of encroaching upon valuable farmland.

Why are you leaving south Simcoe out of the greenbelt? Are you not defeating the goals and visions of the greenbelt initiative? The greenbelt law is a landmark for the Liberal government. Our residents' association strongly urges the Honourable John Gerretsen and Premier Dalton McGuinty to extend the greenbelt boundary to include south Simcoe county. This is the only way to protect the prime agricultural land and the agriculture industry of this area from urban sprawl and to preserve the rural character of our community. The town of Bradford West Gwillimbury and south Simcoe are a test case for this government's Greenbelt Act. This jewel is worth saving, not just for our own community but for all citizens and future generations of Ontario.

Thank you again for this opportunity to share our input with your committee.

**The Chair:** Thank you, gentlemen. Each party has a minute and a half. Mr. Hudak, would you like to begin?

**Mr. Hudak:** Thank you, gentlemen, for the presentation. You make an excellent point. We've heard over and over again about why this scheme has been botched from the beginning. There's good, class 1 farmland left wide open for development and rather unviable land that's being protected for some strange reason.

This was not based on science. There is no scientific report to back up these boundaries. There is no research that was done. Minister Gerretsen admitted yesterday where he got the boundaries; in fact, it's a Liberal campaign document. So politicians and political advisers developed those boundaries, and as a result, prime

agricultural land is wide open for development. You wonder why the minister has keyed on stopping development around Beaverton but left wide open sprawl up to Barrie and through your municipality.

One of the ways that we think we can remedy this mistake is to have some sort of appeal tribunal that would allow properties to be brought in and brought out, dependent on good science. Would you support that kind of appeal mechanism to help protect areas like your own?

**The Chair:** You have 24 seconds to answer that question.

**Mr. Trow:** We feel the science supports us to be in the greenbelt. We ask you, Tim, do you support south Simcoe being in the greenbelt?

**Mr. Hudak:** Listen, if the committee gives me time—

**Mr. Trow:** Did you answer yes?

**The Chair:** You have 10 seconds to answer the question.

**Mr. Hudak:** If the committee gives me extended time to respond—

**The Chair:** No.

**Mr. Hudak:** It should be based on science, and if the science demonstrates that Bond Head has good environmental land—

**Mr. Trow:** Did you say yes to us, is my question?

**Mr. Hudak:** —then you're darned right. Good agricultural land should be protected and non-viable land should not be protected.

**The Chair:** Ms. Churley, you are the next speaker: a minute and a half.

**Ms. Churley:** I do support the Simcoe area being in the greenbelt and will be putting forward amendments on that. I thank you for your submission. It reflects most of my position.

*Applause.*

**The Chair:** Could the audience please refrain from clapping or anything else, or I'll have to remove you.

**Ms. Churley:** Let me say this: Scientific consensus actually says that the greenbelt should be larger, because I agree that there's some political fiddling with the boundaries. At this point, I think we all agree with that. But the good news is, there is scientific consensus that says there's going to be leapfrog development and that tells us we have to increase the size of it, including south Simcoe. I doubt if there is any time to respond to that, but I think you asked the Tories a good question on that: Do they support putting all of those lands that have been left out? Hopefully, the Liberals as well would answer that question: Would they support putting Simcoe and some of the other lands you mentioned in the greenbelt to make it truly viable?

**The Chair:** You have 30 seconds if you want to respond.

**Mr. Trow:** We thank you for that support. It's a great encouragement to hear part of our government supporting local people and communities.

**Ms. Churley:** I'll fight for that, don't worry.

**The Chair:** To the government side.



**Mrs. Van Bommel:** Thank you for this presentation. When you talk about developers and their coming into our rural communities and trying to buy our land, it is certainly a concern. At this time, we have a bill in the Planning Act amendment that requires that municipalities "be consistent with," rather than "have regard to," the provincial policy statement. That gives us some strength right now to help keep agricultural land in agriculture.

One of the things I'd like to ask you about, though—you mentioned that six farmers have bought six new farms in your community, Mr. Keffer. What has been the impact on land values and the competition between farmers and speculators in trying to buy new farms?

**Mr. Keffer:** Up until the last two years, when speculators decided that this is a prime area for development, they were basically agricultural land values, in the \$7,000 range or whatever. Farmers didn't have expectations of higher values for their land two years ago. It's the uncertainty now and the question of what's going to happen that's really bothering the farmers in the area.

**Mr. Trow:** We could also say it's perceived-price speculation of value that has caused what the community is dealing with right now. Our farmers—

**Mrs. Van Bommel:** —have to compete with developers and speculators to buy land.

**The Chair:** Thank you, gentlemen; your time has expired. We appreciate your being here today.

#### NATIONAL FARMERS UNION, LOCAL 6

**The Chair:** The next group appearing before us is the National Farmers Union, Local 6. Please come forward. Good morning and welcome. Please identify yourself and the group you're speaking for. When you begin, you will have 15 minutes.

**Mr. Bill Hasiuk:** My name is Bill Hasiuk and I'm speaking for the National Farmers Union. I've already learned this morning that when you do a presentation, make it long so you don't have to take a lot of questions. I didn't know that.

My name is Bill Hasiuk. I farm on the Oak Ridges moraine north of Bowmanville. Our original farm, the family farm, is located on the Courtice Road north of Courtice. I'm president of the National Farmers Union, Local 6, which comprises the region of Durham and Peterborough and Victoria counties.

I read the Greenbelt Task Force recommendations, and under the heading of "Key Agricultural Lands" it states that "lands within the greenbelt must be able to support the agricultural economy and related activities." Let me assure you, ladies and gentlemen, unless they are part of a supply management system, the lands cannot support an agricultural economy, and there are little or no related activities in our area.

Cash crop and beef farmers cannot compete in a climate of open borders and high subsidization of US and Quebec farmers. If you were receiving \$30 per diem for being here today and I was receiving \$130, you'd have a tough time staying in the same hotel as me. That is

exactly the difference in support per acre between Ontario corn and Quebec or Michigan corn.

Farms in the Golden Horseshoe are less viable this year than last, and those close to development are even less so due to higher taxes and other restrictions: time of travel from farm to farm, minimum spray distances, odours, noises and other complaints. The so-called related industries are non-existent. If you consider the area between Brampton and Highway 115 south of Highway 7, there are no farm dealerships in the area that I'm aware of except for one out near Orono, and they exist because of lawn and garden supplies and small construction equipment. There are no feed mills in that area that I'm aware of, no one mixing feed for farmers. There's no need for it. They've moved.

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The phrase "certainty of the availability of land" is of little consequence if there is no sustainable means of making a profit.

I have nothing to give this panel that you haven't heard before. There have been a lot better people up here than I. But I am the average farmer. I'm 59 years old. I have a cow-calf operation, and I cash crop. Last summer, I grew no soybeans and no corn. I grew small grains and hay. I didn't make a heck of a lot of money, but I didn't lose any. I'm still paying for 2003's sins. That's what we have to remember. I have two grown children. They both attended university and work here in the city. My wife has a full-time job, and if she didn't, I wouldn't be here. I'd be gainfully employed. I'm tired of her telling me that she subsidizes me.

Today, it is estimated that 73% of farm income comes from income off the farm.

The greenbelt legislation wants farmers to protect so-called farmland for future generations. Are you folks kidding? There are no future generations. I am the terminal generation, right here. When we're gone, the only people left will be technicians, at best. The only farmers who can borrow money today have supply management quotas and a cost-of-production scenario.

Mr. Vancief and Mr. Bedgood made a vain effort to legitimize the protection of green space. I cannot find one single attempt from these two to suggest how we might be sustainable or able to carry the burden of not being able to sell land for what it is worth.

These boys held hearings last summer during haying season. It rained a lot last summer. Haying went on from May to October, and I don't think they had any good hay. I had two calls. Of course, you can't leave your work to try to legitimize a farce, and that's how I looked at it. I did not attend, and many others did not as well.

I must say that my experience with the past federal agriculture minister, Lyle Vancief, was one where he would pretty much say and do anything he was told to get a paycheque. He has no credibility, and you should take his hearings as that.

The report I read claimed that the greenbelt has significant historical features, such as the Iroquois shoreline. I don't know where that is. It's supposed to be



a prehistoric lake, but I have no idea where this prehistoric lake is. I make two assumptions, neither based on fact. The Oak Ridges moraine has a lot of gravel; maybe that was it. In our area, south of Taunton Road was all gravel; maybe that was it. That gravel is all gone. It went to build General Motors in the 1950s.

The municipality of Clarington is using the lakeshore as their designation. I have a map. I don't know if you can see it, but all of the white is the lakeshore. I've never seen a lakeshore like it. It's somewhat irregular, for sure.

I must say that our farm is right on the edge of the development land and the protected area.

My recommendation to the board today is to not restrict farmers from selling their farms, if they so wish, for the highest dollar, unless you provide a supply management system for all commodities not already enrolled or a system of safety nets that will help farmers compete with US and Quebec farmers so they can make a living on a balanced scale.

My personal situation is that my father passed away in 2003, and our farm was offered for sale in 2004. The buyer walked away from the deal as Bill 135 moved forward. Our taxes have doubled in the past year. The municipality tells me that there are environmentally sensitive areas on the farm, and I don't know how they know this, unless they came on the farm trespassing—even frog trails, one planner told me. She said I must not disturb the frogs. I can't cut any fence posts and I can't do any logging. But my taxes have doubled. There are no buildings on that land. Yet I'm told through the greenbelt legislation that I must protect that land for free, without compensation, for some future generation.

My father and my grandmother arrived in Canada in 1917 from Ukraine. Father started farming in 1931. The down payment was money he received from the Ontario compensation board for the loss of all the fingers on his right hand in an industrial accident. Mom and Dad farmed that farm, 150 acres, half of it workable. They always had a good car; they always had a decent truck. They raised three children, and we all worked on the farm every day. They made a living. I can't make a living farming 500 acres. As kids, we all worked there. As an adult, I helped Dad as long as he wanted to farm, and now I work the farm.

Your legislation wants me to protect or sell the farm for one fifth of what it's worth. I have to say to you folks, shame on you for thinking that you have the right to take away our pensions. Shame on you for thinking that you have the right to know what to do with that land better than we who worked on it. And shame on you, again, for disrupting our lives and upsetting us. I don't think that's what you are here for.

If you want to protect these farms, buy them for what they are worth. Don't de-zone them, and don't de-zone their value. In 1917, Dad and baba came here to get away from the expropriation going on in Ukraine by Joseph Stalin. Bill 135 is doing the same thing, only you're using paper instead of guns. Shame on you for having legislation without appeal; that, to me, is communism. To

tell you the truth, my Dad wouldn't believe it. He put the flag up every day and was proud of it.

Thank you for your time.

**The Chair:** Thank you, Mr. Hasiuk. Our first questioner is Ms. Churley. Each party has a minute and a half.

**Ms. Churley:** Thank you very much for your presentation. You said some pretty strong things, particularly when you said that you're the last of the farm generation. You know, we have to preserve farmland. There was a report today in the news that Ontario had more farmland eaten up than any other province in the country; I believe that's what it said. It seems to me that you're saying you support that—we've got to preserve our farmland—but the problem is that we don't have the supports in place to make farming viable.

You've made some suggestions, put forward some suggestions that you want to see in place. You don't want to see farmland paved over, I assume.

**Mr. Hasiuk:** There are only two ways that a farmer can make money. One is out of the marketplace, and the other is for the government to subsidize him so he's on par with his competition. If the farm is viable, I'm certainly not going to leave the farm. If my child sees that I'm making money, he or she will certainly consider staying home on the farm too or coming back to the farm, because they can pay for it. But the way it is now, you can't.

**Ms. Churley:** In particular, you mentioned that supply management systems should be expanded to other commodities, commodities like beef, for instance.

**Mr. Hasiuk:** That's correct.

**Ms. Churley:** You think that could make a really big difference?

**Mr. Hasiuk:** If we had a supply management system in beef in place right now, the BSE crisis wouldn't affect us at all.

**Ms. Churley:** Right. Thank you very much.

**The Chair:** The government side.

**Mrs. Van Bommel:** Thank you for your presentation, Mr. Hasiuk. The concept of cost production for other commodities is something that I've been hearing quite a bit more about from farmers in the last probably two months. I do have the advantage of being in a supply-managed commodity myself, and I certainly understand the strengths of that particular system.

How would we address the issues we have now? Supply management is under fire internationally at this point. How would be able to extend cost of production to other commodities and get ourselves around the issues of the WTO and the GATT?

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**Mr. Hasiuk:** If you're going to go to a supply management system, it's going to take an awful long time. I think the first thing you have to do is address the Farm Products Marketing Act and give boards some strength to set prices and close borders.

**Mrs. Van Bommel:** How would we deal with the international implications of that?



**Mr. Hasiuk:** That's really hard to say. I sponsored a meeting last spring for the beef industry and it's a long row to hoe, but the experts we had at the meeting said it was not necessarily impossible: the ASRA system in Quebec. I don't know if we necessarily need to reinvent the wheel.

**The Chair:** The official opposition?

**Mr. Klees:** Thank you, Mr. Hasiuk, for your very straightforward presentation. I do hope that the members of the government sitting at this committee heard your appeal to understand what they are really doing. When the curtain is pulled, this is really expropriation without compensation. It is an absolute vacancy of property rights. One of the things that I believe this forum gives us is at least an opportunity to let people in this province know they do not have property rights, that there are no property rights in the Constitution of this country. Even China has property rights.

This bill has really brought to the forefront an issue that goes far beyond the greenbelt. It goes to a fundamental principle of what kind of society we're building. In this particular case, you're absolutely right. The government, for its own purposes, has failed to keep the balance between property rights and environmental rights. That's the responsibility of a responsible government. Sir, thank you for drawing attention to it. We have a serious challenge to try to bring this government—

**The Chair:** Thank you, Mr. Klees. Can you wrap up?

**Mr. Klees:** —to the point of understanding what they're doing to you and farmers and property owners in this province, be they developers or not.

**The Chair:** Thank you, Mr. Klees. Thank you, sir.

**Mr. Wong:** Madam Chair, on a point of order.

**The Chair:** What's your point of order?

**Mr. Wong:** My friend the member for Oak Ridges said that even China has property rights. I hope he did not mean that in a derogatory sense, that he did not mean that China was one of the worst countries in the world.

**Mr. Klees:** As a communist country, even as a communist country. Yes, I did mean to draw attention to that.

**Mr. Wong:** Not in a derogatory sense.

**Mr. Klees:** Grow up, Tony.

**The Chair:** Gentlemen, please confine your comments to the delegation and the substance of his delegation. Thank you, sir, for coming. I appreciate it.

Our next delegation will be from the township of King. Before we begin with that delegation, could I remind the audience that you are in a public hearing setting. You are not—

*Interjections.*

**The Chair:** Committee, could you please call some order? Can I remind the members of the audience that you are not to provide any support or condemnation of any of the comments here today or you will be asked to leave.

**Mr. Duguid:** On a point of order, Madam Chair: Could I ask that the member for Oak Ridges stop making derogatory remarks to my colleagues?

**The Chair:** I would ask that all groups show some decorum and some respect for our delegations, please, both sides.

**Mr. Duguid:** I appreciate that. Thank you.

## TOWNSHIP OF KING

**The Chair:** Good morning. Is it still morning? No, it isn't. Good afternoon. For the purposes of Hansard, could you please identify yourselves, who will be speaking today and the group you represent? When you begin, you will have 15 minutes. Should you use all of your 15 minutes, we will listen intently. If you have time left over, there will be opportunities for questions or comments by the members.

**Ms. Margaret Black:** I'm Margaret Black, mayor of King township. With me is Stephen Kitchen, our director of planning for the township of King, and Margaret Coburn, a prominent member of Concerned Citizens of King and very active in our politics in King.

On behalf of the township of King, thank you for the opportunity to address the Legislative Assembly regarding Bill 135, the Greenbelt Act.

To provide the members with some context, the township of King is a large, sparsely populated municipality of about 20,000 people, steeped in its rural character, being bisected by Highway 400 and Highway 9 and surrounded by the urban municipalities of Vaughan, Richmond Hill, Newmarket and Aurora. Our limited growth is primarily focused in our three urban villages and, to a lesser degree, in our five hamlets.

Our northern boundary is comprised of the southern half of the Holland Marsh, known as the vegetable basket of Ontario. Our township is also home to numerous equine farms, and equestrian and cattle operations.

Although the township is supportive of the general concepts of a greenbelt in the Golden Horseshoe, there are areas of the draft plan and Bill 135 that require clarification and re-examination. I'd like to touch on three areas: agriculture, leapfrogging, and major highways.

First, agriculture: It is vital that adequate time be given to the province, the rural municipalities and the agricultural communities to study the long-term implications of this legislation prior to its passage.

I am a member of the Ontario Farmland Trust, whose goal is the protection and preservation of farmland across the province, and we have been hearing serious concerns about farm viability. It is important to remember that this could adversely affect lives and livelihoods, as we've heard this morning. These are the stewards of the land you are seeking to protect. We need to address the viability of farming if we are to protect the land. We understand that the greenbelt has substantially increased the value of agricultural lands beyond the greenbelt boundaries.

We support the flexible approach to agriculture in the greenbelt, as opposed to the restrictive approach in the Oak Ridges moraine conservation plan on farming operations. Of particular importance to King township is the



provision of a permanent second residence for farm help within the Oak Ridges moraine plan. As the Oak Ridges moraine conservation plan has already been amended through Bill 27, the Greenbelt Protection Act, we urge you to take the opportunity to harmonize the two documents and allow permanent residences for farm help in the Oak Ridges moraine plan. Second residents are absolutely necessary to our large multi-million dollar farming operations. These are the stewards of the land and a part of our agricultural framework.

Like the previous speakers, my family settled on a farm in King in 1822, and if I had not been female, I would be farming there. I would have liked to have farmed; I wish I had been able to. My parents sent me to law school instead. I can tell you that my preference would have been farming, but even at that time we were concerned about economic viability.

The second issue is leapfrogging. The township of King is very concerned that the greenbelt legislation, in combination with the Oak Ridges moraine conservation plan, will compound—I say “compounding” because it is already happening—the leapfrogging of development beyond the greenbelt, further adding to problems such as lengthy commuting distances and loss of agricultural lands. Leapfrogging has already had a significant detrimental effect on our municipal finances.

Our roads study of 2004 shows that the cost to bring our rural roads up to standard has increased by about 50% since 2001. Much of this is due to the diversion of traffic from Highways 9 and 400 when those highways are congested. During this time our population has increased by only approximately 4%. It is difficult to revitalize our downtown cores and preserve rural culture due to sheer traffic volumes generated from elsewhere.

The traffic has also affected our emergency services costs. Our current fire service is composed of volunteers. Currently, due to call volumes associated with Highways 400 and 9, our volunteer staff is responding at a rate which exceeds most full-time stations. Continued growth in commuter traffic may result in the need to provide full-time staff at our fire halls, at significant cost to the existing tax base. In terms of labour costs, this represents an increase of approximately eight times, from about \$250,000 to about \$2 million. To put it another way, this represents an increase in taxes of an overall 22% for a single station.

The third issue is highways. The expansion of Highway 400 and Highway 9, the proposed extension of Highway 427 and the increased need for six additional lanes for east-west corridors across York region today are a major concern to our municipality. While the intention of the greenbelt is to protect agricultural lands and environmental features and prevent sprawl, we sense that it may be used to provide infrastructure corridors to areas beyond the greenbelt, fragmenting and undermining the very agricultural, environmental and rural lands the legislation seeks to protect.

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In conclusion, let's ensure that the greenbelt legislation accomplishes its goal of controlling urban sprawl and preserving agricultural lands. I personally believe that there must be an independent commission to thoroughly study the implications for agriculture and provide solutions for farm viability and sustainability.

Specifically, as a township we ask:

(1) Prior to the passing of the proposed Greenbelt Act, we ask you to ensure that there is appropriate provincial legislation in place to prevent urban sprawl beyond the greenbelt boundaries.

(2) Ensure that the greenbelt is not utilized as an infrastructure corridor to service and link the lands on either side.

(3) Please take the opportunity, through the Greenbelt Act, to modify and harmonize the current restrictions and limitations on agriculture within the Oak Ridges moraine conservation plan.

Thank you for allowing us to address you today.

**The Chair:** Is anyone else in your party going to speak? No? OK. We have eight minutes left, so two and a half minutes per party. The first speaker will be from the government side.

**Mrs. Van Bommel:** Thank you, Mayor Black, for your presentation. You mention that you are a member of the Ontario Farmland Trust. I have had the opportunity to speak with members of the trust and certainly understand what the roles and objectives of that foundation are. You talk about the viability of farming and the need to protect farmland. Would you say that the issue of farmland and farm viability is distinct from the greenbelt?

**Ms. Black:** Yes, definitely. I think it's about money and economic viability, quite frankly, whether persons in farming can make a reasonable living.

**The Chair:** The official opposition.

**Mrs. Munro:** Thank you for coming here today to give us your analysis. When you identified issues such as the question of the highways and leapfrogging, certainly it's something that I thought of immediately when this government went ahead with this legislative proposal. But I thought we might see a response to those issues through the vehicle of the Places to Grow Act and the suggestions that were made in the original study that was done. I wonder if you have concerns as well about the fact that we seem to be looking at only half the issue.

Clearly, when the government draws a green line around a specific area, then obviously people are going to say, “Let's go outside it.” It's the same issue when communities make decisions on their own that they are going to be a destination, a place of growth, such as the areas around Collingwood and Wasaga Beach. Obviously, this has a direct impact on you.

I wondered if you could give us a sense of what you would like to see balancing this piece of legislation in terms of that long-term commitment.

**Ms. Black:** Certainly the Places to Grow is the place to do it. Quite frankly, we need to be planning for the whole province, probably southern Ontario, but that is a



broader area than it used to be, probably as far north as Huntsville. We need planning for that entire area. King, for example, is affected by the traffic from Orillia, Barrie, Bracebridge, those kinds of areas, and to the east, Durham, Mississauga. Margaret Coburn is with me, and her very big concern right now is the effect of Highway 427, the discussion about that possibly going through King.

**Mrs. Munro:** But within the limits of this legislation, those are still issues that have not been addressed. Obviously, we need to have a balance in terms of where growth is going to go and what the government is going to offer us.

**Ms. Black:** I agree totally. That's why it has to be about a plan for Ontario. It's nice to see the province getting into planning, but it really has to be well thought out. I'm afraid that the greenbelt legislation will actually cause the opposite of what it was intended originally to do, and that's why it's very important to take the time to make sure the proper legislation is in place for the whole planning exercise.

**The Chair:** Just over a minute left.

**Mr. Yakubuski:** Thank you very much for your presentation. I want to clarify something, because your answer to the member on the government side would seem to indicate that you were supporting her position and her party's position, which was that farm viability should be addressed outside of this greenbelt legislation. You made that statement and you tended to agree with her, but in your first line, when you talk about first agriculture, I think we want to clarify. I think your belief is that farm viability has to be encompassed in this legislation and it should be delayed until that is addressed.

**Ms. Black:** Absolutely. I apologize; I really misunderstood that. It needs to be studied as a separate item. Quite frankly, I think it needs a royal commission. I hate the word "commission," but I've doing a lot of thinking about it and I don't see what else you can do but have something that's called a commission, something really significant and important to address the whole issue of agriculture, to take the time and have the necessary expertise in that.

But, no, the agriculture issue: Thank you very much for bringing that up. It is very, very connected to this greenbelt. They are extremely connected. If you go ahead with the greenbelt without addressing the viability of farming, I think you're in real trouble. For example, our director of planning heard yesterday that the farmlands in south Simcoe, just to the north of us, have gone up as much as three times.

**The Chair:** Thank you. Ms. Churley gets the floor now. You have the remaining time.

**Ms. Churley:** Thank you very much, and it's nice to see you again, Mayor. Generally, I support the direction you've taken here and in fact have amendments that would deal with the recommendations that you have made. So I understand what you're saying is to prevent leapfrog, because that is a major concern that we hear time and time again from all sides of this issue, that King

is opposed to infrastructure corridors and transportation corridors through the greenbelt. So you would support amendments to that effect?

**Ms. Black:** I'd better be careful how I answer this.

**Ms. Churley:** You know where I'm going, don't you, Mayor Black?

**Ms. Black:** Yes. We had been hearing that 427 was a done deal and it would go through King. That just ends King. We'll be one big highway: Highway 9, Highway 400 and then 427. Also, the legislation needs to be consistent. If you really, truly want to have an Oak Ridges moraine and a greenbelt and protect those areas, please make sure we don't make them one big corridor, whether it's rail—my friend to the side here reminded me of rail—or highways.

Certainly, farming has to be viable. If it is an economically viable employment opportunity, I can tell you, farmers will stay in farming. My father was just a little farmer in King. He had 20 cows and chickens and pigs—a very small operation. Mother taught. That verifies one of the prior speakers, that they all married teachers in order to support the family. He loved farming. You have to understand that those of us who are born on farms love the land; we love being out there. I can tell you, there is nothing higher than being out in that fantastic rural area on a farm. That's the big thing that I see: It has to be economically worthwhile for people to stay in it.

**Ms. Churley:** I think you've successfully eaten up the rest of my time, because I wanted to ask you about the big pipe, because that—

**Ms. Black:** Oh, you mean the little pipe.

**Ms. Churley:** The big pipe. That, of course, is major infrastructure going through, which in my view is a problem. It's the same kind of thing: If you build the infrastructure, they will come. How do you justify that based on—

**The Chair:** Thank you, Ms. Churley. Your time did expire. It would have been very interesting to follow up.

**Ms. Churley:** It would have been.

**The Chair:** Thank you, Mayor Black. Thank you for your time. Thank you for appearing.

**Ms. Black:** I have answers, but thank you very much for hearing us.

#### NORTH EAST SUTTON RATEPAYERS ASSOCIATION INC.

**The Chair:** Our next group is the North East Sutton Ratepayers Association Inc. Welcome and good afternoon. Could you state your name for Hansard, and the group that you are speaking for? When you begin, you will have 15 minutes. Should you use all your time, there will be no chance for comments or questions, but if you leave time, there will be questions from the members.

**Dr. Margaretha Vandervelden:** Thank you for the opportunity to speak to the Legislative Assembly. My name is Margaretha Vandervelden. I'm president of the North East Sutton Ratepayers Association.



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The North East Sutton Ratepayers Association is an incorporated, not-for-profit organization in the town of Georgina, a northernmost, semi-rural municipality in the south Lake Simcoe watershed in the regional municipality of York. Georgina is characterized by farmlands, woodlands, wetlands and major river systems, as well as 32 miles of Lake Simcoe shoreline. Georgina also includes the lakeside Sibbald Point Provincial Park.

Our members—hundreds of families, many with young children—thank the Ontario government for the greenbelt plan and for including the town of Georgina. Our members would like to bring to your attention a few matters that they feel would make this wonderful greenbelt plan even better for them and their families in the place where they live.

Today they want to bring to your attention certain conditions in settlement areas within the protected countryside that are potentially incompatible with promoting growth that is economically and environmentally sustainable; that is, in the greenbelt draft plan, settlement areas within the protected countryside are based on secondary plan area boundaries rather than urban service boundaries.

Using Georgina as an example, we will illustrate that the plan does not adequately address cases where:

(1) there is a large difference between secondary plan area and urban service boundaries, resulting in settlement areas that are very big and far in excess of a municipality's growth projections for these settlement areas;

(2) settlement areas include extensive natural heritage, including key natural heritage and hydrologic features. Our concern here is with the apparent exclusion of such natural heritage from schedule 4, the natural heritage system of the greenbelt draft plan.

In the town of Georgina, this is the case for the Sutton and Pepperlaw settlement areas.

Using the village of Sutton, where our organization is based, as an example, we will first discuss the issue of settlement areas far in excess of projected growth.

I have a written submission, and I would like to direct you to the second page of it. Do you have it in front of you? Otherwise, I do have some extra copies of this table, because I want to speak to a table.

The current population of the town of Georgina is 40,000, and the projected population in 2021 is about 65,000.

Schedule 4 of the greenbelt draft plan shows three settlement areas: Keswick, Sutton and Pepperlaw. These settlement areas are based on the secondary plan areas, as shown on the land use schedules of their respective secondary plans.

Table 1 shows the size and the current and projected populations for each of these settlement areas.

For this table, I want to note the following: First, compared to Sutton and Pepperlaw, the Keswick settlement area is the smallest, while, in contrast, the current and projected populations are the largest. One of the reasons is because it's the farthest south in the town of

Georgina. The case is that the Keswick secondary area is based on a secondary plan area that is identical to the urban service boundary. Therefore, Keswick residents are and will continue to be on full services. If you have this table in front of you, you will see that that is not the case for Sutton and Pepperlaw.

In the town of Georgina's official plan, Keswick is expected to take most of Georgina's growth up to 2021. It's expected that all of the projected growth plus 13,000 jobs can be accommodated within the existing urban service boundary.

In contrast, the Sutton secondary settlement area is based on a secondary plan area that is more than twice the urban service boundary; that is, 2,550 hectares, compared to 1,247 hectares of the urban service boundary. Its population is far smaller than Keswick, and its projected population is much smaller.

Our findings are that even at less than half the size of the designated settlement area, Sutton's urban service boundary area is sufficiently large to accommodate its highest growth projection, which is 10,000 additional people to a total population of 16,800, and still conserve 50% of this land base for open space. This was calculated on the basis of two-person occupancy, which is quite conservative, per home and at the existing low-density residential formula of 12.3 units per hectare; that is, without additional intensification.

I have to explain that the oversized settlement area based on the secondary plan area happened as the result of a local planning process open to undue influence from private interests and the municipality's resolve to avoid an Ontario Municipal Board hearing, and that happened in 1994 at the time of the Sutton secondary plan review and study. For further details, I direct you to pages 3 and 4 of my written submission—I have much abbreviated what is in the written submission—under "Village of Sutton: Settlement Area and Projected Growth." So this is my first concern.

Our members' second concern is that the natural heritage system, schedule 4 of the greenbelt draft plan, excludes natural heritage within settlement areas. This, to our members, seems incompatible with a natural heritage system that seeks to promote connectivity and the protection of key natural heritage and key hydrologic features as essential to the ecological integrity of the greenbelt plan, as well as to human health. The exclusion is especially a concern where a settlement area is large in size and rich in natural heritage. In Georgina, this is the case for Pepperlaw and Sutton. Once again, we'll illustrate with the village of Sutton.

Having as its northern boundary the Lake Simcoe shoreline, Sutton's settlement area contains thousands of acres of natural heritage that are contiguous to respective systems in the surrounding countryside. They include, but are not restricted to, significant woodlands and wetlands; extensive perched water table lands, and a lot of Georgina is covered with those perched water tables and clay layers and it is a big problem for developing such areas; aquifers and aquifer recharge areas; bio-



logical environmentally significant areas; corridors; habitats of species at risk; lengthy reaches of the Black River, a major tributary that connects the Oak Ridges moraine to Lake Simcoe; and many kilometres of Lake Simcoe shoreline and fish and wildlife habitat, and in the eastern part of Sutton, that includes a very high bluff which gives a beautiful view over Lake Simcoe.

Our members feel that:

(1) If key natural heritage and hydrologic features within this settlement area are excluded from the increased protection under the greenbelt draft plan and, instead, remain subject to the application of the natural heritage policy of the provincial policy statement, even when amended, then Sutton's natural heritage will be at risk. For example, to date at least 800 acres designated for development are extensively forested.

(2) Furthermore, this exclusion of natural heritage in settlement areas implements two-tier protection depending on whether such key natural and hydrologic features are located outside or inside settlement areas within the protected countryside.

(3) Increased protection of natural heritage within settlement areas will be beneficial to the ecological health of Lake Simcoe, a lake of considerable importance to our members and, actually, to all of the GTA. For example, in Sutton, all sites presently designated for development drain to Lake Simcoe directly or via the Black River and its tributaries. Increased retention of vegetation on these sites will reduce nutrient inputs—that is, pollutants—to Lake Simcoe.

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Next, as a related issue to the above, I will discuss Lake Simcoe's carrying capacity, which is also a matter of great concern to our members. As stated in the greenbelt draft plan, municipal efforts to support the long-term vitality of towns and villages include modest growth that is compatible with the capacity to provide locally based sewage and water. Policies to protect Lake Simcoe's carrying capacity apply to shoreline development requiring municipal water and sewer services. In that case only, an "analysis of the assimilative capacity of the receiving water body must be considered." In the case of Lake Simcoe, any such analysis must be considered as is stated in the greenbelt plan in the context of the Lake Simcoe environmental management strategy.

In contrast, the greenbelt draft plan specifies that no new Great Lakes-based water and sewer systems or expansions to existing Great Lakes-based systems are permitted for the purpose of serving settlement areas within the protected countryside.

To date, the outdated Lake Simcoe environmental management strategy, under the lead authority of the Lake Simcoe Region Conservation Authority, has failed to address the accelerating environmental degradation of Lake Simcoe due to overwhelming changes in its watershed from urbanization, and it's reaching alarming proportions. These changes include increasingly larger volumes of effluence that, eventually, will offset any

gains from improved technologies, as well, of course, as urban runoff.

We note a request from the board of directors of the Lake Simcoe Region Conservation Authority that a carrying capacity report be completed for Lake Simcoe but relative to sustainability outside of the designated settlement areas. This may seem wholly inappropriate in that demands on carrying capacity will be mostly generated in the settlement areas.

Our recommendations:

(1) That the province establish growth as a percentage of the existing population in any settlement area and that the greenbelt plan include a requirement that municipalities adjust the settlement area boundaries in accordance with these revised projections.

(2) Alternately, in cases of discrepancies, that settlement areas be based on urban service boundaries, and not secondary plan areas, and adhere to the growth limits of their secondary plans, including projected growth.

(3) That protection of natural systems within settlement areas be the same as for natural systems elsewhere in the protected countryside.

(4) That Lake Simcoe's carrying capacity as an effluence—that is, pollution—receiver and its importance as a municipal water source for many Ontario municipalities, as well as a tourism resource, be recognized in the greenbelt plan by according it a level of protection similar to that of the Great Lakes and that carrying capacity studies include the settlement areas.

Conclusion: The town of Georgina is an example of how past land use decisions subject to strong pressures to fuel rather than manage growth led to what are presently grossly oversized settlement areas for the villages of Sutton and Pefferlaw, putting at risk hundreds of acres of natural heritage locally, as well as the ecological integrity of the natural heritage system of the protected countryside. Our area is still beautiful. In fact, I always refer to it as the Algonquin of the GTA.

So far, we have no reason to believe municipalities are willing and able to manage growth that is environmentally and economically sustainable.

I repeat that our members thank the Ontario government for its leadership in land use planning as represented through the greenbelt plan. Thank you.

**The Chair:** Thank you. Each member of each party has 30 seconds, beginning with the official opposition, Mrs. Munro.

**Mrs. Munro:** Thank you very much for bringing to the committee such a carefully documented submission. I have one question—well, I have many, but I have 30 seconds. One question: When you talk about the lands that are within the settlement areas, are they publicly owned lands?

**Dr. Vandervelden:** No, of course not. No, most of them are in the hands of developers.

**Mrs. Munro:** So they're not designated by the community or by the locality in terms of—



**Dr. Vandervelden:** I'm sorry. I don't understand your question. Neither are the lands outside the countryside. They're not in public hands either.

**The Chair:** I'm sorry, your time has expired for questioning. Ms. Churley.

**Ms. Churley:** Thank you for your very well-thought-out presentation. I just want to clarify: You feel that all settlement areas within the greenbelt area should conform to requirements prescribed for the natural heritage designation under the greenbelt plan, not just the three areas you mentioned here. You want all of them to come—

**Dr. Vandervelden:** Yes, absolutely. I mean, it's a matter of the greenbelt integrity.

**Ms. Churley:** So do I. I wanted to clarify that. Thank you very much.

**Dr. Vandervelden:** Absolutely. It's just that we are on the edge of the GTA. It contains so much natural heritage and is far too large for growth projections. So it has a particular impact on Sutton and Pefferlaw.

**The Chair:** The government side; Ms. Van Bommel.

**Mrs. Van Bommel:** Thank you, Mrs. Vandervelden. Obviously, there's a lot of work that's been done in this presentation and I appreciate what you're doing here. I just want to assure you that the greenbelt draft plan is just that, a draft, and so all these things will be taken into consideration. Thank you very much.

**Dr. Vandervelden:** Thank you.

**The Chair:** Thank you for your delegation. We appreciate you being here today.

#### FRIENDS OF THE FAREWELL

**The Chair:** Our next delegation is Friends of the Farewell. Please come forward. Good afternoon and welcome. For the purposes of Hansard, could you identify yourself and the group you represent? You will be given 15 minutes to speak and if you leave time at the end, there will be questions by committee.

**Ms. Libby Racansky:** Madam Chair and members of the committee, my name is Libby Racansky. I'm a member of Friends of the Farewell, Friends of Second Marsh and many other groups in Durham region. I have named them above, in my presentation for you.

The subject of my presentation is why the Black-Farewell and Maple Grove watershed in Courtice and Bowmanville of Clarington and Oshawa Second Marsh should be included in the greenbelt.

I would like to thank you for allowing me to appear before you today. I would like to express my thanks to the province for listening to Clarington's comments for the inclusion of Lake Iroquois shoreline, the most threatened natural heritage feature, as they have described this area, in the protected lands.

Due to the time limit for my presentation, I will be quoting comments from the municipal report, leaving out some page numbers and sections. For your information, these are displayed in my written presentation and also the whole pages are appended as enclosures. You can

follow my presentation or you can turn pages, going through the enclosures I will be quoting from.

I have three requests. All of them are supported by the municipal comments on the draft greenbelt, regional or provincial studies or recommendations.

First request: There is a need of urban separator in the greenbelt. I am particularly concerned about the connectivity of the provincially significant Black-Farewell wetland complex, the largest wetland complex in the GTA, with the Oshawa Second Marsh, the largest provincially significant coastal wetland in the GTA, and the watershed between these two significant natural heritage features.

Please notice the Durham regional official plan and their urban separators between major urban conglomerations in my enclosure 1, regional official Plan.

Enclosure 2, municipal report, page 2, 2.2 states:

"Urban separators provide a green corridor of open spaces and farmlands to act as the 'lungs of the region' in the midst of urban growth and to provide for some distinct identity between communities. Any greenbelt should provide for major north-south corridors which connect Lake Ontario to the ORM, creating green infrastructure needed to protect the quality of life in a fast-growing region."

I forgot to mention—I don't know if you have had a chance to see my enclosure 1, regional official plan. Just below the official plan you can find two maps, my attachment number 8, of sensitivity of the area I'm talking about. As you can see, this area was identified with the two highest degrees of sensitivity and with a very high water table.

Back to my presentation: Narrow land strip along streams and the marsh itself, if included within the greenbelt, should not pose any threat to the development of any kind. The northern part of Courtice in Clarington is already included within the greenbelt. This part, together with stream protection leading to Second Marsh, could provide for such an urban separator.

This connection of natural heritage systems with Lake Ontario is also recommended by the draft greenbelt itself. Enclosure 3, page 10, 3.2.1, the first bullet states, "This system is part of, and connected to, broader natural heritage systems in southern Ontario such as the Lake Ontario shoreline, including its remaining coastal wetlands."

#### 1250

Second request: There is a need of inclusion of all identified provincial significant wetlands located on the Lake Iroquois shoreline in the greenbelt through urban areas.

Enclosure 4—this enclosure contains four pages, if you are following along with me—the municipal report, page 8, 4.8, states, "Although the Lake Iroquois shoreline is an important element of the greenbelt, it is not identified on the greenbelt plan through the urban areas."

Page 7, 4.6, states, "There is a discrepancy on the alignment of the Lake Iroquois shoreline by the province and other sources.... Clarington has identified the limit of the Lake Iroquois shoreline in the official plan based on



Central Lake Ontario Conservation Authority environmental sensitive mapping project ... and Physiography of Canada by Chapman and Putnam. Provincial officials indicated that the draft greenbelt plan limit did not yet incorporate hydrogeological features such as seepage areas and springs. The province needs to have a good scientific definition on the Lake Iroquois shoreline.... The province should confirm the extent of the Lake Iroquois shoreline with the conservation authorities."

Page 7, 4.7, states, "The greenbelt should include the entire Maple Grove complex in greenbelt, including the portions in the urban areas."

Page 8, 4.8, states, "The greenbelt should" connect "portions of the Lake Iroquois shoreline through urban areas... more specifically north-south urban corridors that connect Lake Ontario with the greenbelt."

Third request: The greenbelt should move tightly around existing urban centres.

The last page of enclosure 4, page 6, 4.2, states, "Provincial officials have indicated that the unprotected countryside includes almost double the amount of new urban lands anticipated to be required in the next 30 years. The province should consider a more tightly aligned greenbelt around existing urban centres to ensure that status quo development situation does not continue for years to come."

Please see Clarington's map, attachment 1, my enclosure 5, and make sure that all the areas—marked by me in yellow highlighter—scientifically proven to be part of the Lake Iroquois shoreline and as provincially significant wetlands will be included in the greenbelt.

The additional reasons why my requests should be considered are supported by regional and provincial documentation, and the committee could also consider these facts. Briefly, they are:

(a) That only 19% of natural area is left for infiltration in this groundwater recharge area.

(b) That this area was identified as having too high degrees of sensitivity and with a high water table level.

(c) That the area contains old growth forest that, in Ontario, amounts only to 0.07%.

(d) That this area contains species at risk.

These facts are documented by studies that I have listed for you in my presentation in enclosures 6 to 9.

Conclusion: I believe that the inclusion of lands along Second Marsh streams, with the marsh itself and the eastern part of the groundwater recharge area in Courtice within the greenbelt could ensure sustainability of this watershed. In fact, MNR is recommending exactly the same thing as I am. Enclosure 10, MNR wetland evaluation study, pages 3 and 4 state, "Major wetland functions and features should be maintained; the interconnection of wetlands and uplands must be maintained. Improved connections to the south would better link Black-Farewell to Lake Ontario and the provincially significant Second Marsh, a premier lakeshore wetland."

The greenbelt draft vision and goals on page 9 are in support of continuous and connected systems of open space, protection of natural heritage, protection and sus-

taining of ecological functions and features, and conservation of natural resources.

The greenbelt is an important step toward the reform of the land use planning process. If the above comments would be considered, this plan could promote more sustainable urban development.

I understand that it was very hard to identify all natural heritage features in the draft greenbelt plan. Some of these were identified by MNR in 2004, and the digital mapping is not yet available. For this reason, these features were not included in the draft.

For your orientation and to understand my three requests that are supported by the municipal, regional and provincial documentation, I have displayed three maps on the cover of my presentation. The requested changes are highlighted in yellow and numbered.

The map of the greenbelt in the left-hand corner is giving you the location of the area of concern, Courtice and Bowmanville. In the upper right-hand corner, you can see the map in detail and the requested changes to the draft. In the lower right-hand corner is the municipal map, attachment 1 of their recommendations to the draft. I am using this map as my enclosure 5. It's much larger, so maybe you can follow on this enclosure. In it, you can clearly see the changes they are requesting the province to acknowledge.

The first request is asking for the connection of highlighted streams with the largest remaining coastal wetland along Lake Ontario, Oshawa Second Marsh. This was done for the watershed in Whitby, to connect to the second-largest coastal wetland, Lynde Creek Marsh.

The second request is asking for the inclusion of all headwaters, seepages, springs and provincially significant wetlands located on the Lake Iroquois shoreline. Without this protection, the local stream would not be able to function. Please see the MNR map of the identified wetlands marked 5+, directly following their attachment 1, on the second page of my enclosure 5. These provincially significant wetlands are not identified in the greenbelt.

The third request is asking for the inclusion of two sensitive areas in the greenbelt. These areas are located outside of urban boundaries. There was neither an amendment to the official plan approved nor any public meeting requesting these changes.

Therefore, there should not be any difficulty for this committee to recommend that the inclusion of downstream along the streams and the Oshawa Second Marsh, the inclusion of the areas located outside of the urban boundary and all provincially significant wetlands within the undeveloped urban land in the greenbelt could create a perfect plan, protecting the environment, residents and economy.

Please consider these three changes when deciding on the final greenbelt.

**The Chair:** Thank you for your delegation. As there are only two parties at the table, the first question goes to the government side.



**Ms. Matthews:** Thank you very much for this very well-thought-out and well-presented presentation to us. I appreciate the time you have taken to put it together and present today.

I do want to let you know that the draft plan is just a draft, so we're actually discussing the enabling legislation here. I just want to clarify that you are in fact very supportive of the plan and you would like to see the area covered expanded, as opposed to being delayed or held up for any reason.

**Ms. Racansky:** Yes, I am.

**Ms. Matthews:** Thank you very much.

**Mrs. Munro:** Thank you for coming here today with some very specific recommendations. As the government member has said, obviously this is the kind of opportunity you have to draw the attention of the committee to those kinds of anomalies. I certainly want to congratulate you on the depth of your research in looking at these things. Thank you.

**The Chair:** Ms. Churley, did you have a question? You have about a minute.

**Ms. Churley:** Sorry, I was called outside, but I had a good look at your presentation. Thank you. I just want you to know that I support many of your recommendations here and will be making amendments that will deal with many of them throughout the process, and hopefully the government will support them. Thank you very much for the very thorough job you did today.

**Ms. Racansky:** It was just artistic homework.

**The Chair:** You get a good mark on your homework. It was good. Thank you very much.

1300

PENNARD INVESTORS  
GARONT INVESTMENTS  
BREN-COLL HOLDINGS

**The Chair:** Our next delegation is Pennard Investors Inc., Garont Investments Ltd. and Bren-Coll Holdings Inc. Would they come forward? Good afternoon. Thank you for joining us this afternoon. You will have 15 minutes to speak. If you could tell Hansard your name and the group you're speaking for, you will have 15 minutes when you begin.

**Ms. Heidi Kreiner-Ley:** Thank you. My name is Heidi Kreiner-Ley. I represent Pennard Investors, which is my sister, Garont Investments Ltd., which is my mother, Joseph Kreiner, my father, and Bren-Coll Holdings, my niece and nephews. I wish to thank the standing committee today for giving me the opportunity to present.

We have been in contact with our planning consulting firm, Weston Consulting Group Inc., since discussions regarding the Greenbelt Act commenced to be kept apprised as landowners on issues that may affect our lands. I am here today to provide you with our input, which our planning consultants have prepared in consultation with us and through their intricate knowledge of the lands in the York region area.

Our lands are located in Block 27 in the city of Vaughan. Just for the record, Block 27 is bounded by Kirby to the south, Keele Street on the east side, Jane Street on the west side and the King-Vaughan line to the north. In our opinion and in the opinion of Weston Consulting Group, there are lands there that have been erroneously designated as protected countryside, and this is clearly outlined in the report I am presenting to you today.

As outlined in the report, there is an error in designation which has serious detrimental impacts on the owners of the lands that are tablelands or mere seasonal drainage features. To use the broad brush of the Greenbelt Act on such a minor unconnected feature is like swatting a fly with a jackhammer. The damage to families could be financially devastating. We beseech that you take our presentation and our planning consultant's recommendations seriously and remove the inappropriate protected countryside designation in Block 27 and Block 28 to the south from Bill 135.

The following summary of comments and recommendations is in response to Bill 135, the Greenbelt Act, 2004, and the draft greenbelt plan:

(1) We ask that you re-examine the greenbelt designations and correct designation errors. For example, an agricultural drainage feature has been proposed as protected countryside within Block 27 and 28 in the city of Vaughan. However, this feature does not provide any linkage between the feature in question and either the Oak Ridges moraine or the Niagara Escarpment. It is a dead-end area that protects no known existing biological features, functions or linkages and which is situated on actively cultivated lands.

(2) The greenbelt plan represents big-picture planning and, as a result, should provide local municipalities and conservation authorities with a general framework for the protected countryside area. However, specific standards, such as the 60-metre setbacks required under section 5.4 of the plan, should be established through detailed technical studies to the satisfaction of municipalities and conservation authorities. This approach would establish more appropriate standards on a case-by-case basis rather than setting a common standard for all features within the natural heritage designation, as some features are more prominent than others.

(3) Provide flexibility within the greenbelt plan for reductions to buffer widths associated with natural heritage features on lands adjacent to urbanized areas that are slated for future growth. For example, the proposed greenbelt plan will require the determination of boundaries along the east branch of the Don River within Block 27. This will result in the imposition of greater restrictions and will also divide the block, placing major infrastructure constraints that will create inefficiencies, including increased servicing costs for an area adjacent to urbanized lands and slated for future growth.

(4) The greenbelt plan should not counteract the existing policy framework set out in our local official plans. For example, official plan amendment 600 in the city of



Vaughan has policy framework in place that establishes valley and stream corridors during the preparation of the master serving plan for the block plan through detailed site inspection, supported by the required technical studies; for example, flood study, geotechnical report etc.

(5) Various provincial initiatives currently under consideration seek to empower local municipalities with greater decision-making powers. Bill 135 and the proposed greenbelt plan remove such empowerment with respect to decision-making based on restricting amendments to the 10-year review of the plan and the prohibitive provisions for locally initiated urban expansion initiatives.

While the province claims to have established the greenbelt plan through a combination of the best science available, a consideration of existing and future patterns of urbanization, and local knowledge and advice—in section 1.1—this is in fact not true, with a perfect example being Block 27 and Block 28 in the city of Vaughan. Given the lack of any ecological linkages and the absence of natural features in most of the proposed greenbelt area, there appears to be no substantive basis for the protected countryside designation for either Block 27 or Block 28.

(6) The recommendation is to coordinate Bill 135 and the greenbelt plan with the greater Golden Horseshoe growth plan to ensure that both documents complement each other and are consistent in their policies, rather than contradictory in some form.

I also want to make the comment that I agree with Mr. William Hasiuk, one of the previous presenters, regarding expropriation without compensation. Regarding the areas I'm talking about in the two block plans in the city of Vaughan, if the lands would be looked at physically, we're looking at how they've taken a green swath through it. It is very much tablelands, yet they're looking at it as if it was a stream corridor when in fact there is no stream corridor there, more of an agricultural runoff for the spring.

Those are our comments.

**The Chair:** Thank you very much. You've left us about two minutes and a bit of opportunity for each party. From our side, it would be Mr. Duguid.

**Mr. Duguid:** I'll start with your last comment. You talked about expropriation without consultation. I've heard of no such thing happening anywhere in the greater Golden Horseshoe with regard to any initiative our government has taken. Are you aware of any expropriation taking place that I may not be aware of?

**Ms. Kreiner-Ley:** No, I'm saying that with this property, for example, where you're designating an area that should be protected for natural heritage features when in fact our opinion is that there is no natural heritage feature there and it would require further study to prove it, we're saying the land is being expropriated with no compensation. There are reasons that the Greenbelt Act is going into place to protect certain areas, but there is nothing in the area that has been designated in

Block 27 and Block 28 that has any natural heritage features, in our opinion.

**1310**

**Mr. Duguid:** I'm not aware of any changes to zoning or current uses being contemplated either. Are you aware of anything special in this particular area? I'd want to know if we are doing that; it's my belief we're not.

**Ms. Kreiner-Ley:** Well, for example, the two blocks we're talking about are being looked at for future development and are just outside the settlement area. If the Greenbelt Act keeps this area as a natural heritage feature, the swath you're taking from it encompasses lands that have no natural heritage features on them, in our opinion, and then that area—it is onerous on the land for any future development or use.

**Mr. Duguid:** So you're aware that the current use of the land is not changing. What you're concerned about is that you'd like to change the current use of the land to something else.

**Ms. Kreiner-Ley:** It's diminishing the value of the land substantially, yes.

**Mr. Duguid:** Thank you.

**Mr. Klees:** Thank you for this presentation. You've really focused in on the issue here. You've presented the committee with a specific piece of property that the greenbelt, in broad strokes, designates a natural area—effectively a core area where no future development can take place, and yet, when you look at it closely, there isn't a scientific basis on which to make that decision. As a property owner, I think you're simply saying to the government, why would you not allow the latitude for us to come forward to present our scientific evidence, to look at it more closely, and to allow those areas that are not environmentally sensitive to be developed, if that is the appropriate future use for them? But this legislation precludes all of that.

**Ms. Kreiner-Ley:** That's correct.

**Mr. Klees:** Hence the expropriation without compensation.

I would like to ask you, have you had any assistance from Vaughan, for example? Because they have viewed this as a potential area for future urban expansion.

**Ms. Kreiner-Ley:** Yes, they have.

**Mr. Klees:** Has Vaughan offered to work with you to make representations to the government, to make these technical points? If so, what feedback has there been?

**Ms. Kreiner-Ley:** I believe they're doing that at this time, or that they have at least given a written submission. I was talking to Peter Weston of Weston Consulting, and I believe that is underway at this time.

**Mr. Klees:** I think the bottom line is that submissions such as this should be good evidence for the government to look again at these delineations and ensure that there is at least some latitude for property owners and municipalities to come forward and apply for variation. One of the things that I think would be appropriate is for there to be a permanent mechanism set up whereby municipalities or property owners could come forward, make their appeals and present the appropriate information, docu-



mentation and evidence so we could then have some fairness in this legislation. I think that's really all you're asking for.

**Ms. Kreiner-Ley:** I think that is. When we look at—

**The Chair:** I'm sorry, we're going to have to go to the next speaker. Ms. Churley?

**Ms. Churley:** Thank you very much for your presentation. I know you're not here to talk about the overall plan but something very specific. I want to follow up on Mr. Duguid's question, because I'm not quite clear about what the problem is with the parcels of land you're talking about. What is the present zoning of the land?

**Ms. Kreiner-Ley:** Currently it's zoned agricultural.

**Ms. Churley:** In that case, is this act changing that zoning? That's what I don't quite get. If it's currently zoned agricultural, how is this changing that?

**Ms. Kreiner-Ley:** It's not going to change the current zoning, but both of these blocks are already being looked at by the city of Vaughan for future growth. If you look at the map, it's this little green finger in the middle of the yellow that extends. We're saying that in that area, there is no scientific basis for what they based that on. As a matter of fact, if you were to walk the land that they have designated green in that finger, much of it is tableland. The natural heritage features that they're trying to protect, valley land or whatever that extension is, have no scientific basis.

Over the years, when the city of Vaughan developed its official plan, and when conservation has been involved, any time there is a concern about a natural heritage feature, we always have to present and prepare very detailed submissions on flood lands, on geo-technical—a lot of studies and scientific fact on how to treat these lands. The city, the municipalities and conservation have always been very strict with us.

We're saying that if this swath comes in and the government designates it without any scientific basis, it gives us no opportunity to prove to you that there is no concern there. They've just come in and said that there's a concern, without any scientific basis or giving us the opportunity to prove otherwise.

**Ms. Churley:** I hear what you're saying. On the other hand, it is already designated as agricultural land, which is what a greenbelt is supposed to be.

**Ms. Kreiner-Ley:** Both blocks are farmed by tenant farmers. There are no resident farmers.

**The Chair:** Thank you for your time. We appreciate your being here today.

## GTA FEDERATIONS OF AGRICULTURE

**The Chair:** Our last presenter for this morning's session is indicated as being Mr. David Lyons. I understand there is a substitute. I believe Mr. Lambrick is the next speaker. Welcome. Please identify yourself for Hansard, and when you begin, you'll have 10 minutes.

**Mr. Peter Lambrick:** My apologies for David Lyons not being here. He couldn't be here today.

I am Peter Lambrick. I am a farmer in Halton region. I farm within the Niagara Escarpment.

I'm a member of the Halton Federation of Agriculture, which is a member of the GTA Agricultural Action Committee. The four federations within the GTA make up this action committee, along with the four regional planning departments. There is a great deal of ongoing help and agreement within the federations and the planning departments. It was Helma Geerts from Halton region who helped me put this submission together.

The GTA federations got together back in 1998. We decided that we needed to expound that agriculture was an asset to the greater community. To do that, we put together an agricultural impact study, which was then repeated in 2001 when the 2001 census material was available, at which time we approached the regional chairs to work together with them and their planning departments. It has been an ongoing situation with them since then, along with the Ministry of Agriculture and the Ministry of Municipal Affairs in a supportive role, with some funding coming from the federal government.

Our key messages to you today are that keeping agriculture in the GTA is not just a land-use planning issue.

**The Chair:** They're having trouble picking you up. Could you speak a little louder?

**Mr. Lambrick:** My apologies. The focus has to be on agricultural sustainability first.

The GTA agricultural action plan has taken a very comprehensive approach. We realize that it cannot be done by ourselves. We need the province to be involved, but the province is not the municipal affairs and this planning designation. It requires our own Ministry of Agriculture. If we wish to go ahead and brand our food and sell it in Toronto, we need their Foodland Ontario experience. We need them to help us with value chains, how to get into nutraceuticals, bio-diesel as it affects the city. We also need industry, trade and commerce for economic development. We need finance in there as well to help us make certain that we are not taxed off our land or that secondary uses are not taxed out of existence. We need transport to make certain that we have routes to and from our market.

1320

We are always aligned with environment. Farmers are the environmentalists. We have always been consistent with their policies. We feel that we have a great deal to give as far as Kyoto is concerned. Growing crops clean the air. We also protect the groundwater.

Growth and agriculture do present both a challenge and yet an opportunity. Through our official plans, we identified that there will still be agricultural land here 50 years from now, so our ongoing plan is, how do we make that farming feasible for people 50 years down the road when the infrastructure is likely to be gone? The critical mass is not going to be there. What do we need to make these people sustainable? We need to maybe change the mindset of the farmers themselves. How do we go through this educational process? When we have such a



market right on our doorstep, how do we get into that market and how do we improve? This is the basis of the agricultural action plan.

In our research, we found major differences that had happened in a five-year period. The number of farms was down 16%, the number of acres farmable was down 7%, but we're still an industry that is generating \$600 million at the farm gate. We're very productive in this area, as it is now. We have already started a trend toward nurseries, nursery products, greenhouse production and more toward amenity agriculture such as the Springridges, the Chudleighs, the Andrews' Scenic Acres. We also found that there are 100,000 more mouths coming into the Toronto-GTA area every year, so we see that as a captive market. How do we make some changes to address that?

Economic development is one of the features and what we call the first part of our plan's contents. Who needs the market? How do we satisfy that market? What are the capital requirements going to be? What alliances can be made? What value chains can be struck? But along the line, we have taken a long-range approach that if this plan is to go ahead, farmers themselves have to be viable. The whole issue cannot be answered just by a land use designation.

Education and marketing will be our next step. How do we change the mindset of farmers who are going to be there? How do we market ourselves to our neighbours?

Land use policy is the third, so it is down in our estimation; it's not the first. We have had very good response from our local planning authorities and we have always supported their official plans and felt that they were doing what they needed to do, and that is to allow for the expansion necessary for growth in the GTA. The GTA agricultural action plan is a shared vision, with shared actions to be undertaken not only by the agriculture industry, but at all levels of government. But agriculture must be financially stable and sustainable for the farmers to be there. We feel that public policy will help us to do that. What is needed is an understanding by the government that agriculture is a value, and we don't necessarily see that within this legislation. We may need such things as the strengthening of the food land protection act, the fact that it is not considered by the public as parkland, that it's agricultural land, such things as support for supply management and seasonal price protection where necessary, and the ability to make a profit for the farmer. The farmer will do the rest and protect your land.

There are nine priority actions coming out of the action plan. The need for economic development is not just from agriculture itself and the municipalities; it is needed at higher levels of government. The reforms in agriculture and the changing of the taxation are driving some people out of value-added.

We need to recognize the cultural diversity that is right on our doorstep and how we feed that. We will need programs to assist in succession duties and supporting young farmers.

**The Chair:** Can you summarize? You have about 10 seconds left.

**Mr. Lambrick:** Very good. In making it happen, the province needs to be involved, but it is not the only player. We feel we have been supportive of other planning factors such as Places to Grow, where it defines densification, and that is one of the factors that we think will save agricultural land. So in our minds, the greenbelt is not the only piece of legislation that is needed.

**The Chair:** Thank you, Mr. Lambrick. You've exhausted your time. We appreciate your being here today.

This committee is recessed now. In order for us to have a reasonable time for lunch, we'll be back here at 2:30. We're recessed.

*The committee recessed from 1328 to 1431.*

**The Chair:** I call the meeting to order. We're reconvening on the matter of Bill 135, the Greenbelt Act. I apologize to those of you who were here earlier, but we ran a little late on our morning delegations.

#### KIM EMPRINGHAM

**The Chair:** We'll begin this afternoon with our first delegation, Kim Empringham, landowner. Please come forward. Welcome. If you could identify yourself, and I guess you're speaking as an individual, so if you could give your address. When you begin, you will have 10 minutes. Should you use all of your 10 minutes, there won't be any questions or opportunity for comment from anybody around the table, but if you leave time there will be.

**Ms. Kim Empringham:** My name is Kim Empringham. I'm a landowner from York region. My address is 12900 Kennedy Road, Stouffville. I am a sixth-generation York region farmer. I grew up in the shadow of the city, on a dairy farm in Markham that my family has worked since 1834. I married a beef farmer, and now my husband and I have a 250-head beef feedlot and corn, grain and oilseed operation in Whitchurch-Stouffville. I would like to take this opportunity to thank you for allowing me to come today to speak to you about my thoughts on Bill 135.

Over the last 30 years we have witnessed many things that have had very harmful effects on our farming community. There has been an increase in traffic flow and congestion, to the point that it is not safe to take equipment on the road, especially during the morning and evening rush.

We have seen the loss of neighbouring farms as owners retire from farming and sell out to either speculators or non-farming owners because the land price had been driven up and it was too expensive for farmers to buy.

We feel an ever-increasing lack of respect for the business of farming and our stewardship of the land. More often, farming is being portrayed to the general public as a nice way of life, not the business of food production. Farmers are often wrongly accused of having a lack of respect for the environment and polluting at every turn.



In reality, we have a record of good environmental stewardship, and our farming practices improve the environment. An average hectare of corn absorbs 22 tonnes of carbon dioxide, and agricultural land provides wildlife corridor connectivity.

Farmers in this region find that there is an ever-increasing number of nuisance complaints and conflicts with our non-farm neighbours because the general public is not aware of normal farm practices or our right-to-farm legislation.

We are also faced with all of the other issues that plague farming in the rest of the province. Commodity price collapses and new government legislation such as BSE, nutrient management and source water protection all bring the viability of farming into question. Compliance with new regulations will add to our cost of production.

We are happy to pay our fair share of these initiatives, but I believe that if society is going to benefit from these environmental programs, they should share the associated costs as well. Farmers have no way of passing along any increases in our cost of production. We need adequate support to put these programs into place to ensure a strong and viable agricultural industry. It's important not only to farmers but to society as a whole, given that in the GTA alone, agriculture generates \$1.3 billion in gross annual sales and supports more than 34,000 jobs.

Given all of this, the thing that worries me the most about the future of agriculture in the greenbelt is the loss of equity in our land. For agriculture to be viable in the greenbelt, we cannot lose the equity in our farms.

Food production close to the city has always been different than in other parts of Ontario. Land values are inflated. This is mostly due to speculation that the land will one day be taken over by urban development. But since this has been the case for decades, the farmers in the area have largely been forced to rent neighbouring farms from speculators or estate owners instead of buying them, because the cost of purchasing the land is much too prohibitive to ever pay off in farming. Therefore, the equity we have in our farms is based on a much smaller percentage of acres owned than the average Ontario farm of equal size. We need to protect the equity of our farms to ensure access to operating loans and capital funding.

If the government is serious when it says that the greenbelt should preserve agricultural lands for future generations and that the Golden Horseshoe is home to some of North America's most valuable prime agricultural land, then you have to go much further than just freezing the land to development. We have to reclaim some of the lost agricultural land before it is gone forever.

Over the years, many farms and individual fields have been neglected in the hands of speculators who either wanted the land left vacant to make it easier to get development rights or didn't see any reason to keep the land in good condition by controlling fencerows and

repairing broken tile drains because it was eventually going to be developed.

While I do agree that some of the vacant land adjacent to environmentally sensitive areas or those that could link sensitive areas should be preserved, I feel there are many acres of idle land in amongst productive farmland that should be returned to productivity to support a viable agriculture industry. The cost to do this on rented land, where there is no long-term guarantee to regain cost output, can be prohibitive. I believe the government could provide incentives to get the land back into production in the same way that various levels of government and NGOs provide assistance with tree planting and environmental upgrades to support the greening of our communities.

Agriculture has a good record of environmental stewardship over the land. If preserving agriculture in the greenbelt is as important as preserving the environment, then I believe the government should support the reintroduction of vacant land back into farming. Agricultural land trusts and the government's buying development rights to the farms would also provide economic stability to farmers and make food production more viable in the greenbelt.

I urge you to delay implementation of Bill 135 until you've had time to work out all of the issues affecting the viability of farming in the greenbelt. The programs have to be put in place first, not as an afterthought. You need to get it right or we will soon see the end of farming in this area.

Ten years from now, when the greenbelt plan is up for review, my two daughters will be of an age to decide whether they want to farm or not. I just hope they will be the seventh generation in our family to farm next to the city.

**The Chair:** That leaves us with three minutes, so each party will have three minutes. The first speaker is Ms. Churley.

**Ms. Churley:** Thank you very much for your presentation. It's good to hear from people who are directly affected by any legislation coming forward.

One of the conundrums about this is that on one hand you say delay the legislation until all these things are in place, but on the other hand, farmland is rapidly being eaten up and developed. I don't know if you heard it this morning, but a study showed that Ontario is the worst across the country in terms of more and more prime agricultural farmland being paved over, bought up by developers etc. The longer we keep that option open, the more farmland we're going to lose.

1440

I recognize what you're saying. It's a catch-22, though, isn't it? Because we need these programs and things in place in order to keep farming viable.

**The Chair:** I'm sorry, Ms. Churley, your time has expired.

**Ms. Churley:** Oh. I thought you said I had longer.

**The Chair:** You've got a minute.



**Ms. Churley:** Sorry you have no time to respond, but that's the conundrum to think about here.

**The Chair:** From the government side? You have one minute.

**Mr. Lalonde:** Thank you for your presentation. I have a question. You specified that the government should protect agricultural land. The main goal of this greenbelt legislation is to protect agricultural land. You said we should delay the passing of this legislation. Can you tell me why you are asking? Because what we have gone through at the present time is that more and more speculators are buying land, as you just mentioned in your statement, and then—

**The Chair:** You have 10 seconds to answer this question now.

**Ms. Empringham:** OK, quickly. I believe you could possibly extend the freeze that you have now on the agricultural land until you get the programs in place. We've had the freeze for a little over a year now; extend it long enough to get it worked out.

**The Chair:** Thank you for your answer. The official opposition?

**Mr. Klees:** Thank you very much for your presentation. I find it interesting that there's a common theme that these hearings are echoing. We hear from the farming community that there needs to be something in place for the agricultural community in terms of stabilization, in terms of a program, before this is implemented. We hear from property owners, developers and municipalities that the Places to Grow strategy should be in place before the greenbelt legislation. I'm hoping that with presentations such as yours, which makes a very strong case—just simply, no one is opposed to being environmentally responsible, but what we want is for the government to be responsible to its citizens and taxpayers as well.

**The Chair:** Thank you, Mr. Klees. Your time has expired.

**Mr. Klees:** It's that balance that I—

**The Chair:** Thank you very much for your delegation. We appreciate your being here today.

#### JOHN DONER

**The Chair:** Our next is Mr. John Doner. Is that you?

**Mr. John Doner:** Thank you, honourable Chairperson.

**The Chair:** Welcome. Can I ask that you identify yourself for Hansard? You're an individual landowner and you're going to—

**Mr. Doner:** My name is John Doner. I'm an individual landowner, lot 35, concession 3, which is 12119 Leslie Street.

**The Chair:** Terrific. Thank you very much. You have 10 minutes in which to make your presentation. If you use all your time, we won't get to questions.

**Mr. Doner:** Honourable Chairperson and esteemed members of the committee, thank you for this opportunity to address you regarding these important issues. As I

said, my name is John Doner. My wife, June, and I have lived in Gormley all our lives and have raised four children, who are now married adults and planning families of their own.

I was born on lot 35, concession 3, in Markham township. This is the family farm that my family settled after coming from Pennsylvania 199 years ago. We are, I believe, the oldest farm in York region under continuous family ownership. My children are the eighth generation.

We own 100 acres of the original homestead and rent an additional 4,000 in this area, much of which lies within the proposed greenbelt and the Oak Ridges moraine. Along with two of my sons and six other employees, I farm this acreage in corn, canola, soybeans and wheat, all of which fall under the category of grain and oilseeds. We're also a licensed grain elevator and grain storage facility and we receive grain, a substantial amount of which is produced in York region. As much as possible, we handle that grain.

Through my 40 years of experience farming and 30 years of dealing in grain, I want to speak to you from the perspective of a grain grower and a grain elevator operator from this area. I want to be factual with what I say. I'm going to be quick and fast. I want to make as many points as I possibly can, and I will be blunt.

As stated in the Greenbelt Act, it is your intention to protect this valuable farmland. I pose this question, then, for your consideration: Who will farm this protected land? Here are some facts you should address.

Consider that the average age of an Ontario farmer is 59 years old. That's from Stats Canada. This would mean that the median age is actually 62 or 63. Personally, I do not know of anyone in this area under 30 years of age who is starting a career in farming. In a few years, this physically demanding occupation will be staffed with a workforce of retirees. Farming is literally a dying industry in Ontario, and there are some very real reasons for this decline.

Prices for the product we grow are driven down by the US practice of illegal long-run dumping in Ontario of their surplus grains such as corn—that's going on today—at below their cost of production. For example, in 1973 I sold corn for \$90 a tonne. Today, some 32 years later, that same corn is worth \$88, despite the fact that the costs of all inputs—seed, fertilizer etc.—required to grow that crop have increased drastically over the 30 years by as much as 500%-plus for some items. If there is little or no profit in farming, there is no incentive for the next generation, of which my sons are part, to take over, and certainly no reason for me to encourage my children to continue in a career that I have seen decline so drastically in my numerous years of experience.

If the government truly values the importance of farming in Ontario, and especially in York region, it is past time for the farmer's voice to be heard by this government. If you want our production, then it is time to start paying for it. It is noteworthy to point out that under Quebec's ASRA program, farmers in that province receive \$185 a tonne for the same corn that we are selling



for \$97 less here. This is the same product. Is there any doubt why farmers in Ontario are struggling to survive? How can the Ontario government claim to truly wish to protect this greenbelt for farmland while systematically crippling the farmer financially by failing to provide sufficient support? Ontario outdoes only Newfoundland in terms of units of support.

You might think that this is not relevant to the issue being discussed here today, but I wholeheartedly disagree. It is short-sighted to ignore the fact that Ontario farmers simply cannot continue farming if there is little or no money to be made. Ask yourself, would you continue to do your job if your salary were cut every year? If every year your expenses and inflation made your cost of living higher and your income was continually decreasing, would you continue in your current occupation? Now take that premise one step farther: Would you consider encouraging your children to pursue the same path?

The point I am trying to illustrate is that protected farmland is worthless if there is no one left to farm it. Perhaps it would be more productive for this government to protect the farmer, protect the prices we receive for our product and encourage those you have left in agriculture by actually supporting their needs and by hearing their voice. Protection of the farmland at this point is just putting the cart before the horse.

Ironically, the vast majority of the farmland you wish to protect is not actually still owned by farmers. Of the 75 landlords on the 4,000 acres I rent, not one is the original farmer—not one.

As an elevator, I have watched my wheat customer base go from 125 producers in 1978 to 16 this year. Those who currently farm are approaching an age at which they want to get out but cannot for many reasons, one of which is taxation. My neighbour and friend is in his eighties and fighting Alzheimer's. He resides on a 90-acre farm that's two doors south of us, lot 33, concession 3, of which 47 acres are farmable. I farm this 47 acres for him and for the last two years have seen him lose approximately \$5,000 per year on a fixed income. In 1988, he did attempt to sell but the deal fell through. If he doesn't farm his land, he will face increased taxation by York region, which will increase his tax burden to nearly \$2,000 per acre. That's a fact. That works out to about \$180,000.

Two further examples of this: In 2002, taxes on 43 acres on lot 25, concession 3 east—that's on Woodbine north of Major Mac—increased to \$83,000; taxes last year on lot 29, concession 1 in the township of Vaughan, a 55-acre parcel, increased to \$125,000. Those taxes under farming would have been approximately \$7,000 each. In the last case, this was because the owner was no longer strong enough to work the land himself. This tax increase was imposed upon the farmer for not farming the land he owns.

Consider, then, these realities of farming in Ontario:

(1) Currently, because of insufficient government support, farmers cannot afford to farm their land.

(2) If the farmer stops farming his land, he is hit with tax penalties, as the land is now taxed as residential rather than as agricultural, and these increases are so severe that this would financially ruin him. Therefore, farmers cannot afford not to farm the land. That's why some of us are still farming.

1450

If this Greenbelt Act passes, the provincial government will dictate that the land cannot be sold for any use other than agriculture. Considering the last two realities, there are few customers willing to purchase that farmer's land.

In what way are these restrictions and practices by our provincial government fair to the farmers? The conditions imposed upon the farming community affected by this greenbelt legislation are as unjust as they are unethical.

In making your decision, I ask you to consider the families you will inevitably affect. They are people just like you who have worked hard all their lives, people like the Evans family and the Kingdons, people like my family, who, if this greenbelt legislation is passed, will see the nest egg of equity they thought they had built in their farms over the past several decades be reduced to a fraction of what it should be. Before this act sees its review in 10 years, more than half of my customers in York region will be gone because of age alone, unrelated to economics. If you want to protect this farmland, you have to protect the occupation of farming first.

I have heard talk about how the greenbelt is a good thing for future generations. Do you realize that freezing development in this area has resulted in doubling the price of raw developable land outside of the greenbelt? Given the fact that most young people now graduate from post-secondary education with student debt in excess of \$40,000, will they ever be able to afford a home in your GTA? By stopping development, what we are actually creating is astonishingly expensive housing in York region that our young people simply cannot possibly afford. For example, four years ago, a new detached 1,900—

**The Chair:** Mr. Doner, you have a minute left. I just thought you might want to summarize.

**Mr. Doner:** OK. Housing has gone up in four years on a 1,900-square-foot house by about \$150,000.

I'll go on; I'll skip a little bit. Keep in mind that if this agricultural land is to be protected, my farm can only be sold for other agricultural purposes. It is doubtful that 83% of those respondents supporting this belt would support a new livestock operation on my farm just down the road from where they live. Therefore, the actual agricultural use for my land is selective.

Please consider some of the terms of the Expropriations Act, that you are restricting our bundle of rights without the land being taken. Consider the term "injurious affection," its definition and its meaning for us.

In summary, I would like to reiterate that it is not my wish to see the land exploited. It is my homestead and my history. I would like to say that what has been in-



valuable to me—our land, our farm, our homestead—has been threatened to be made un-valuable by this proposed legislation. As you drive to your homes tonight, think of us. Think of those people you're going to affect. Think about how you would feel if someone told you that because you like things the way they are, you would never be able to see the fruits of your labour, that many of your investments could never be cashed in, for instance, that the value of your home would be slashed to a fraction.

**The Chair:** Mr. Doner, I'm sorry, but your time has expired. We do have your submission, and I assure you that members will read it.

**Mr. Doner:** I was interrupted by some music in the back.

**The Chair:** I actually gave you some more time to counter that.

**Mr. Doner:** I appreciate that. Thank you very much. I'm sorry it was long. I couldn't get rid of the points I wanted to make.

**The Chair:** We appreciate that you came and that you were passionate. We did appreciate that. Thank you very much.

#### BRUCE PEARSE

**The Chair:** Our next delegation is Bruce Pearse. Welcome, Mr. Pearse. Could you identify yourself and your address for Hansard? When you begin, you will have 10 minutes.

**Mr. Bruce Pearse:** Thank you. My name is Bruce Pearse, and I reside at 16190 Highway 12, Sunderland, Ontario. I am a landowner and farmer in both the greenbelt and the Oak Ridges moraine, and previously from the 1973 proposed and yet unbuilt Pickering airport. I am the fifth generation of our family to farm in southern Ontario. I am the most efficient related to volume produced and the most conscientious about documentation in terms of the environment. I provide traceability of my production and carry multiple licences to be compliant to farm in Ontario today. I also earn the least per acre, per bushel, per pound, relative to my efforts and expenses in all of the last two centuries the Pearses have farmed in Ontario.

We have lived through drought, wet years, low prices, and markets that do not respond to consumer demand, availability of product or the quality of our production. The rights to margins demanded by retailers and, more recently, technology use agreements garner others more profit from our products and efforts than we receive for taking the associated risks. Rural people's pride in homes, community, family values, livestock and growing crops are the reward for these many hardships.

BSE took away the value of our cattle. Low prices and open borders took away the value of our crops. Pickering airport expropriation took away communities. And the greenbelt and Oak Ridges moraine will take away pride of ownership, equity and pensions.

Expropriation laws provide for a right to compensation to a party from whom land is taken. When regulations make the act of an authority lawful—the taking of land or rights without compensation—which would otherwise be considered unlawful, or an act that is just a nuisance, there is no remedy or penalty. There is no process of appeal to hold this authority accountable for arbitrarily heavy-handed actions done in the name of the public good.

Shouldn't the taxes I pay into this democracy guarantee a certain measure of fairness? This is the same society that spends and sends thousands of dollars to promote democracy and equal rights as a better alternative to oppressed peoples in other parts of the world. Rural people from whom rights are taken for this greenbelt are carrying a more grievous injury and disproportionate load to their estate than the benefiting public at large. This amounts to an uncredited and unfair tax.

When did this government's viewpoint about fairness begin to differ from those who feed a nation? A deal must at least be perceived to be fair both ways. When I was young, my mother had no time for settling disputes between my sister and I. I am not sure whether she was concerned about our teeth, saving money or teaching the lessons of life, but she often bought just one chocolate bar. This should have caused huge fights, and in the beginning it did, until we learned about fairness. One would divide; the other would choose.

I challenge you to take any part of the public sector's pension plan—I suggest the firefighters, teachers or police associations are good examples—for the public good, of course, since the good public has the authority to act unchallenged and above the democratic process. See if there is any opposition to an erosion of pension equity that would result in lost favour or votes or poor work ethics of a sector whose services are deemed necessary for the success of society today.

The short-sightedness and lack of scope of this plan does not achieve the goal intended. The intent is to stop urban sprawl by dealing with the rural area. You are not going to preserve agriculture through zoning and thereby land preservation. Do you not realize that agriculture is not a zoning? Agriculture is people with skills applied to land. Take away the people and their desire to work, through lack of pay or pride of ownership or undue and unnecessary regulation, and you will collapse your present cheap food source in rural Ontario. Rural Ontario will then become a have-not province within this province of abundance. The land will not preserve its present look or productiveness. Case in point: the Pickering airport. It is evidenced by your own inability to govern and manage the Pickering area, resulting in the added need for private security, a transient and fragmented community and a lack of pride of ownership resulting in general degradation and ruin.

The age of the present workforce in agriculture makes retirement an imminent fact. At approximately 60 years of age, rural Ontario's workforce is wearing out and not being renewed. We are losing an indigenous workforce



of both skills and knowledge that will affect food security and national sovereignty. Why would any young person want to work longer hours with less pay than his urban brother does to have markets and government make his wage or retirement unsure?

Ontario's agriculture is not economically viable in its present state today. Canada's claim is to have the safest food in the world. Quality costs. You cannot have a luxury car at a Volkswagen price. Working hard every day to feed your country is rewarding and noble. Coming home to my family with no profit is dishonouring of my skills and contribution to society. I do not want to continue to contribute to a food basket that does not feed my house too.

The criteria used as a measure of the greenbelt's goals were to be economically neutral and science-based. When one considers the issue of science-based, I have a lot to learn about science associated with roads becoming a boundary. In the future, we should be more definitive about terms. If we mean political science, we should say that. If we mean to have roads define boundaries, we could use the term "engineering science." This would help the credibility of these terms of reference to be more clear, especially for the furry natural science that would eventually need to agree to live by these new rocket-science boundaries and not cross them. Why is it incumbent on us to prove that natural features do not exist after your studies and repeated questions are still unanswered?

1500

Any restriction of an area's activity is a lack of freedom or alternatives, which by appraisal definitions makes one area more or less desirable or handicapped than another. With heavier traffic patterns in the near urban areas and restrictions limiting intensive livestock operations, i.e. nutrient management, what offset would there be for any new farmer to want to invest in land that is restricted? There are only two criteria for financing debt serviceability suitable for banks to lend into today: positive cash flow, which I have stated is not happening in agriculture today, and equity financing, which is the mining of assets, a fact that will be further accelerated by the greenbelt's arbitrary action that threatens to make us financially insolvent.

If there is a public need for this tranquil parkland, what cost per acre does the GTA allot for park maintenance? Would this not be similar work and a reference point for compensation to preserve farmland? Freedom equals options; options make dollars. Loss of freedom needs compensation. Remember, a deal has to be perceived to be fair and equitable to all.

Government, you cannot afford to own agriculture, and, in its present state, neither can we. What democratic principle gives government the right to steal our land, our produce or rural Ontario? We are primary food producers and are as necessary to society as the health care sector. The nutritious, high-quality food we produce is the benchmark for food quality and the first building block for this country's successful health care program. As a

result, this greenbelt plan falls short of preserving local food production without long-term market viability and incentive compensation to bring this industry to a place of equal pay for equal work. Heard that somewhere before? It's from the Constitution. It also defines rights. The Constitution was deemed necessary and just to be fair in this democracy we proudly call home.

I thank you for your time.

**The Chair:** We have less than two minutes. I'm going to give about 45 seconds to each party, and the first party would be the government side.

**Mrs. Van Bommel:** Thank you very much for your impassioned presentation. You mentioned that you have farms in both the proposed greenbelt and the Oak Ridges moraine, and you're talking about taking away pride of ownership, equity and pensions. From your experience with your farm in the Oak Ridges moraine, is that what's happened? What has happened to the farm value or the land values that you would have with that farm?

**Mr. Pearse:** It's in an area adjacent to a hamlet. It has no chance of being moved into a highly intensive farm operation because of its proximity to the hamlet. The land base around it is primarily golf courses etc. You can't add on to it to make it a viable farm. It's 169 acres, and that doesn't make it a viable farm today. That land base is approximately 33 miles from our next-closest working land.

**The Chair:** Thank you. The official opposition.

**Mrs. Munro:** There has been much discussion today around the issue of agricultural viability. The government has suggested in a number of these conversations that obviously this is an issue that goes beyond the greenbelt. But I think the point we need to understand from your presentation and those of others today is that there are some special issues around agricultural viability in this proposed area. I wondered if there were a couple of others besides those you have identified that you would say really make it a very special issue in this proposed legislation.

**Mr. Pearse:** Oh, it's a big subject.

**The Chair:** And you have five seconds to answer.

**Mr. Pearse:** One of the problems would be employment base. We can't hire people and compete with the wages in other areas out of the viability that's currently available in agriculture today.

**The Chair:** Ms. Churley.

**Ms. Churley:** I will allow you to just follow up on that question. I think you really have some things to say about that, so go ahead.

**Mr. Pearse:** I appreciate that. The other, of course, is traffic patterns. Some of us are facing anywhere from 1,000 to 1,500 cars an hour going by our driveways. How do you get big machinery out on the road safely to work land? We have to work volume in order to come close to being viable, and the risk associated with it is getting to be another big hazard.

**The Chair:** Thank you, Mr. Pearse.



## HUMBER VALLEY HERITAGE TRAIL ASSOCIATION

**The Chair:** Our next delegation is the Humber Valley Heritage Trail Association. Welcome. If you could identify yourself and your organization before you start. When you do begin, you will have 15 minutes. If you use all of your time, there won't be an opportunity for questions, but if you do leave time, everyone will get a chance to speak.

**Ms. Joanne Nonnekes:** Thank you. My name is Joanne Nonnekes and I'm here this afternoon representing the Humber Valley Heritage Trail Association.

Honourable Chair, members of the standing committee, the Humber Valley Heritage Trail Association requested the opportunity to address you today for three reasons: We want to indicate our support for the proposed legislation contained in Bill 135; we want to suggest the inclusion of a couple of natural areas in the Humber Valley that are aesthetically important and have an ecological relationship with the proposed greenbelt and we feel strongly should be included in the greenbelt; and thirdly, to make a recommendation regarding the review process in the greenbelt legislation.

A group in Bolton, Ontario, created the Humber Valley Heritage Trail Association about 10 years ago. The idea was to plan, create and promote a public recreational hiking trail system in the Humber watershed from Lake Ontario to Palgrave, linking the Bruce Trail and other recreational trails in the watershed to the lakefront. The trail is complete from Palgrave to Bolton, we're working on the section from Bolton to Kleinburg and, from there, we hope to link trails already in place.

But our mission is not only to create and link trails for recreation; it's also to promote ecologically responsible attitudes to the natural environments of the Humber through organized hikes, environmental education along the trails and working with the Toronto and Region Conservation Authority on restoration projects. It is this last part of our mission that brings me before you today.

First of all, we want to congratulate the current government for bringing this legislation forward. I had the personal privilege of participating in one of the task force meetings, as well as attending one of the public information sessions, and I'm encouraged by the vision and commitment to natural heritage preservation that is an integral part of this proposed greenbelt plan. I was reading in the Toronto Star recently that critics are strongly advising that we slow down the creation and implementation of the greenbelt, arguing that such an important piece of legislation that affects so many people requires that we take time to get it right. I would submit to you that, while we must take into consideration all the stakeholders in this process, if we really wanted to get it right, we would have had to create the greenbelt years ago. Now we are faced with human impacts that would not have come into play 50 years ago, and irreversible impacts to the natural and urban system. Thus we want to encourage you not to delay, and to continue to move

forward as quickly as possible. As a trail association, we look forward to the increased opportunities that will be created to build exciting trails, promote ecological responsibility and restore natural areas along the northern section of the Humber.

### *Audio presentation.*

**Ms. Nonnekes:** To introduce my second point, if this will work for me, I am playing you a very short clip of what an April evening sounds like in the Humber Valley. I'll stop it so you can hear me. This is one of the first sounds of spring in the wetlands created by the melting snow and ice within our woodlands. These are the spring mating calls of two species of frogs common to southern Ontario woodlands, the wood frog and the spring peeper. Both species, like many other wetland species, are sensitive to urbanization, requiring not only the wetland for breeding in the spring, but also the associated forest close by for their survival. Currently, you will not hear these sounds in the Humber Valley south of Boyd Park. But you will still hear them in the valley terraces of Boyd Park, one of the areas we would like to see added to the mapping of the greenbelt. By playing this tape, I am not suggesting that we need to protect these two particular species. These amphibians are indicator species. They tell us that the habitat in Boyd Park is still rich enough to support them, along with many other flora and fauna not common further south in the GTA. Where the wood frogs end is also where good water quality ends in the Humber.

1510

I'd like to draw your attention to the first map that I had passed around. It's a map produced by the Toronto and Region Conservation Authority. You will note that Boyd Park is indicated by the strong pink boundary on the south end. It's actually part of a large complex of forest, river valley and wetlands to the north. It's the southern section of what the TRCA refers to as the "Boyd complex," and it is the only section of the Boyd complex that is not included in the current greenbelt mapping. Yet like its connected lands to the north, it contains a designated area of natural and scientific interest, as defined by the provincial policy statement, and an environmentally significant area, as defined by the Toronto and Region Conservation Authority.

Here I quote from a TRCA staff report:

"TRCA's research indicates that the Pine Valley forest area is one of the most important southerly tracts of habitat within the TRCA jurisdiction, and specifically within the Humber River watershed and natural heritage system. This significant wildlife movement corridor connects the natural areas on the Oak Ridges moraine and Niagara Escarpment to the Lake Ontario shoreline.... Boyd is also an important regional-scale recreational destination for hiking, picnicking, fishing and nature appreciation.... Additionally, Boyd has significant cultural heritage attributes as part of the Carrying Place Trail and containing the remnants of an Iroquois village that dates back to the early 1500s."

The land in Boyd Park is publicly owned and we feel that following the boundary of the natural system here,



instead of the urban boundary at Rutherford Road, would better reflect the relationship it has with the proposed greenbelt and the stated intentions of the greenbelt plan.

Similarly, we would like to encourage you to review for inclusion in the greenbelt plan a second area. Although on first glance this second area, known as the Upland Sandpiper ESA, looks deceptively like a transformer station and hydro corridor, it's actually a surprisingly rich wetland that is reminiscent of the pothole wetlands of the prairies. Virtually all of the shorebird, grassland bird and frog species that breed in the GTA are represented on this single site.

Please refer to the second map I have provided, and this is one of the maps from the greenbelt. It's difficult to see this one, but the area I'm referring to is at the south end of where the greenbelt ends. It's concession 10, lot 29, I think, where the Upland Sandpiper ESA is located. Protecting this ecosystem would involve extending the greenbelt plan south toward Nashville Road.

My last point is in regard to the proposed review process of the greenbelt plan in 10 years. The greenbelt plan as currently proposed includes a provision to review with a possibility for some new areas to be included in the greenbelt and for some areas to be removed, should the arguments be deemed sound. The proviso is that the total greenbelt area may not shrink. While we respect that there may be needs or situations that could warrant the substitution of specific pieces of land in the greenbelt plan, we would like some provision made for the fact that not all green space is equal. In order for the long-term goals of the greenbelt plan to be met, it's important that any substitution of lands be of similar ecological function. Replacing a forest tract, for instance, with a golf course would not maintain the goal of protecting the natural system, yet both functions are considered green space in most planning exercises.

Thank you for the opportunity to present to you today, and congratulations on having the courage to take on this important and necessary task.

**The Chair:** Thank you for offering us not only a show and tell but a hear and tell. That's great. Each party has two minutes, starting with the official opposition.

**Mr. Hudak:** Thank you very much for the presentation. Certainly, the Boyd conservation area has become one of the great mysteries of the hearings to date. We've had a number of groups that have brought forward, with good science, reasons why Boyd should be included in the greenbelt area. It begs the question as to why was Boyd excluded from the exercise? Some may suggest that it's the finance minister's riding. We hope there's no politics at work, but I'd be much more comfortable if there were a scientific basis or some way to be very clear and transparent about how these particular boundaries came about and then how they will change.

I appreciate your point. You feel very strongly about the issue and you'd like it to move as quickly as possible. The other side of the coin that we hear from deputants who come forward is that they would feel much more comfortable if it were based clearly on a very transparent

public process so that they have their chance to look at the science, and if the science justifies an inclusion, great.

Perhaps there would be an opportunity as well, through an appellate tribunal, to bring cases like Boyd Park. The challenge today is that the only method for appeal is through the minister him- or herself. If you know the minister or you know somebody in their office, if you go to the right fundraiser or event, maybe you'll have your day in court, so to speak, to make that appeal, but a lot of people who don't have those political connections will be left out of the loop.

That's why I'm very sympathetic to the claims that groups bring forward to have some sort of public, transparent process where they can have their day in court based on science, on the boundaries, on designation. Look at areas that have a very good case, like Boyd, like Parkview—we've had other groups like that—or Marcy's Woods in my riding, which I'm very fond of.

But I appreciate your sincerity. I appreciate your point. The Boyd conservation area is one thing we'll keep pressing to see—let's get this based on science. We've certainly heard very compelling evidence that it should be included at these hearings.

**The Chair:** I don't think there was a question there. Ms. Churley, you have the floor.

**Ms. Churley:** Your presentation really made me want April to come in a hurry.

I want to refer briefly to Boyd Park as well. I'm wondering if you had an opportunity to ask the member Mr. Sorbara or any of the Liberals in this case what the justification is for leaving it out. None of us understand why it's left out, and I assume you must have been given some reason.

**Ms. Nonnekes:** I have asked the question, and we have asked the question. My understanding is that Rutherford Road is the urban boundary. Anything south of Rutherford Road was not included.

**Ms. Churley:** And that's it.

**Ms. Nonnekes:** And that was it. So it's an urban boundary, not a natural boundary. Science shows that the natural boundary—and this is all publicly owned land. This is not land that would otherwise get developed. It's publicly owned land; it's a park. But we would like to see it get the added protection of the greenbelt.

**Ms. Churley:** So there is science to back it up. This is kind of a weird one, because on one hand there are accusations that this has not been done by using science, but in this case the science is very clear that it should be included. I would think that you have all that evidence.

**Ms. Nonnekes:** The Ministry of Natural Resources did the studies to put the forest into an area of natural and scientific interest, which protects it under the provincial policy statement. It is a protected woodland-wetland.

**Ms. Churley:** What do you think is going on here? Where do you want to go? All you want to do is make sure it gets included, right? That's your message today.

**Ms. Nonnekes:** My understanding was that Rutherford Road was the urban boundary. In this case, I think



we ought to pay more attention to the natural boundary than to the urban boundary. Ecologically, it makes sense.

**Ms. Churley:** The scientific consensus now, and in fact there is quite a bit of consensus, is that the problem with the greenbelt is that it doesn't go far enough and that the boundaries need to be expanded in order for it to work, for it to stop urban sprawl and protect agricultural land, that otherwise you're going to have a lot of leapfrog development.

**The Chair:** Your time has expired. From the government side?

**Mrs. Van Bommel:** Thank you for the nice presentation. It certainly made me feel like I was on the farm for a bit there.

I got the sense from the earlier comments in your presentation that you do want some speed for the passage of this legislation, that you're concerned about slowing it down. You mentioned that we are maybe already too late in some respects. Could you expand on that, please?

**Ms. Nonnekes:** From my personal experience—I live in the Humber Valley; I live in the Boyd Park area. The area to the east of Boyd Park was also an area of natural and scientific interest. It is now a subdivision. As time moves on, if we don't put the protective legislation in place, we're going to lose more and more of these very special natural areas, and as we lose them, we lose the opportunity to have relationships with them. There is a possibility, I think, for urban-natural interaction. We can't do it without protecting natural systems.

**The Chair:** You have another minute left if you want to use it.

1520

**Mrs. Van Bommel:** Oh, that's wonderful. Later in your presentation, you talked about the review period in 10 years. Your recommendation is that if there is, for whatever reason, a need to replace parts of it, it should be in a similar type of environment. Yesterday, we heard from a delegation that said that not only should it be of the same sort of system but it should even be within the local municipality or locality, so if there is a bit of give and take, it doesn't suddenly shift around in any major way. How do you feel about that?

**Ms. Nonnekes:** Well, I would agree with that in the sense that wildlife and natural areas don't pay much attention to urban boundaries. You have to have some place for the wildlife etc. to go as well. So if you have the opportunity, in a particular natural system, to say, "We really have to take this piece over here, but if we add the section on this side, it might have less impact"—but overall, personally I've seen too much green space allocated to things that are not ecologically of the same quality as, say, a very biodiverse forest ecosystem, valley land. When we allow intrusion into the very sensitive areas, you can't replace that. So my preference would be don't even go there, but if you have—

**The Chair:** Your time is up, but thank you very much for your passion.

## 941807 ONTARIO

**The Chair:** Our next delegation, if they're in the room, is 941807 Ontario Ltd. Are they here? Great. Good afternoon, sir. Please identify yourself and the group you're speaking for. When you begin, you will have 15 minutes. Should you use all of the time, there won't be time for questions at the end, but if there is time, we'll get everybody to ask you questions about your statement. Welcome.

**Mr. Gerald Hasiuk:** Thank you, Madam Chair. I want to thank you for the opportunity to come here this afternoon, even though we're very, very late. We came from eastern Ontario—

**The Chair:** Can you identify yourself at the beginning, please?

**Mr. Hasiuk:** Sorry, I was just getting to it. My name is Gerry Hasiuk. I am an owner of lot 27 and 28 in the original Darlington township, now Clarington, in the region of Durham.

I'm objecting to Bill 135 for several reasons. First of all, being in business for 45 years, I have learned the assets of common sense, and I'm here today because of common sense. I'm going to talk about the area consisting of Town Line to Taunton Road, across Taunton Road to Solina Road, and south. In the middle of this area is Courtice Road.

I'm going to start with the area coming up Town Line. On the west side of this area is the most concentrated housing that you're going to see anywhere in Canada. You come up this area and Town Line splits it like a piece of cake. On the east side of this Town Line, you have put this into an area that's not to be developed. You come up to Taunton Road and Town Line and you've got this concentration of houses to the west and the east. Coming from this area, I might add that some of the best land in the whole region has already been put into houses, and if you go across Taunton Road, marginal land is sitting there being put into the greenbelt. Go across Taunton Road, and again, you've got a little bit of good land along Taunton Road on the south side, until you come to the area of Mitchell's Corners. I really don't understand what the greenbelt is planning here.

We've had an area here called Mitchell's Corners, which is on the south side of Taunton Road, of Zion Road. This hamlet of hundreds of homes has been here for at least 50 years. This is in the greenbelt. I don't understand why this is in the greenbelt.

We go across to Courtice Road and we have two farms there that are, I'm sure, class 1 land, but then again, you start with another group of houses until you come to Solina Road. When you get to Solina Road and go south, this is all marginal land. This is not land that is going to be of any use or produce a great deal of food. This is the kind of planning I don't understand. It goes all the way down to Highway 2 or to Pebblestone, Nash, all the way down. It's got a concentration of houses with sewers, without sewers and without water. So it's got wells and septic systems.



It brings the Courtice Road area into huge question. There is now a new sewage plant and a new water plant has been granted for that Courtice area at the lake. There's only one way you can go, and that's straight north. I don't understand why that area has been put into greenbelt when there's a sewage plant and a water plant going into Lake Ontario. It's obviously got to come north, and when you come north, you come up to the Courtice crossing area. You've got a mall there, a GM dealership. You go a little bit north and you've got a complete Courtice area there that is for skating, then you've got the high school. You come up to Pebblestone Road; you've got concentrated houses all the way up until you come to Pebblestone Road, which is two concessions north, and that is the Monsignor Cleary church, hall and school, and that's in greenbelt. For the life of me, I don't understand why that is in greenbelt. Now, maybe when you decided to put this bill before the House, the septic and the water plant were not conceived, but they are now. It's going to happen in the next years. It may not happen in 2005, but it is going to happen.

It's my consensus that the whole area, going right up to Taunton Road from Town Line to Solina Road and south, should be taken out of the greenbelt. A great deal of time and energy has been spent on this area. I've got the report from Clarington. Some of the areas they're talking about—they're talking about the Lake Iroquois shoreline. Well, the Lake Iroquois shoreline is basically talking about the same boundaries as I'm giving you here this afternoon. There are two different shorelines. The top shoreline is exactly what I'm talking about, from the Town Line to Solina Road and south. When they talk about the Iroquois shoreline, they talk about gravel deposits, about the recipient of the rain and the wall, but there's something that they're forgetting here, and that is that all this aggregate at the base of the shoreline of the old Iroquois Lake is long gone. Fifty years ago they took the gravel from these areas and built the General Motors plant; 30 years ago they took the gravel and built the 401 with it. It's all gone. So there's no detrimental value to having the shoreline when all the material was taken away 50 years ago.

For those reasons, and not those reasons alone, I think this whole map needs to be looked at, and looked at very seriously.

But being in the trucking business and having 500 units that run in Canada and the United States, I'm going to come up with the other issue, and that is the 407. Highway 407 hasn't moved an inch in the last three years. It's unbelievable that the greenbelt runs from where the 407 is stopped right through to 35/115. I mean, this is brilliant. I'm surprised the government came up with it. They are going to be able to acquire land for the 407 for, instead of \$10,000 an acre, \$500 to \$1,000 an acre because it's going to be agricultural land. I can't believe this. It's unbelievable. They are going to really solve the traffic problem—and anybody today can get on the 401 and you get to Waverley Road, bang, it's stopped. There is no sense in building houses if people can't go to

work. Right now, you stop at Waverley Road. You're there and you're stopped.

1530

I live in Colborne, Ontario. I'll give you a fact. I can get to Syracuse, New York, more quickly than I can get to Dixie Road and 401. It's got to be addressed. The traffic has got to be addressed. I think it's brilliant, government, that you've put this greenbelt in so you can put the highway in and you can get the people to work and solve a huge problem. But the only problem is that when you buy all this land for the new 407 and the arterial going from Courtice up to the 407, you're going to get it for nothing. I hope you have a lot of sandpaper to give the owners to dry the tears, because in 10 years you can slip this right back, the 407 is through, people can get to work, everybody is happy.

That's my presentation.

*Applause.*

**The Chair:** Thank you, sir. May I remind the audience that you're in attendance at a public hearing. I do not want any more clapping or responding to the delegations, otherwise I'll clear the room.

Each party has two minutes to respond. First up is Ms. Churley.

**Ms. Churley:** Thank you very much for your presentation. You've looked at the plan and talked about it from your perspective. Would you say, if the greenbelt goes ahead, that more lands need to be included? The way it is structured right now, for no apparent reason, a lot of the land it has been scientifically proven should be part of this has been left out. Do you have a comment on that? We keep hearing about the leapfrogging, which would in fact require more highways. There are a whole bunch of issues around putting some in and putting others out and then developers buying up the land and leaping over the designated land.

**Mr. Hasiuk:** I'm going to come up with the answer again: common sense. You don't know how well you have it here. I come from a community called Colborne. We've got an industrial park right on the 401. It hasn't had a new building in 20 years. My member here, from Grafton—same thing. He's got an industrial park. There hasn't been a new building built there for 20 years. It is so bad in Colborne that the town is building the housing themselves. That's a fact. They sold the PUC, bought the land and they're building houses so they can bring what you people are so fortunate to have. You know, if you throw too much water on your fire, you may put it out.

**Ms. Churley:** Thank you very much.

**The Chair:** Our next speaker is from the government side; two minutes.

**Mrs. Van Bommel:** Thank you, sir, for your very enthusiastic presentation. You mentioned initially that you're in business. Can I ask what kind of business you're in?

**Mr. Hasiuk:** I'm in tractor-trailer leasing, the large units. We lease them all over to major factories, 40 different companies in Canada that lease them.

**Mrs. Van Bommel:** Where is this business located?



**Mr. Hasiuk:** It's located at the corner of Courtice Road and Baseline. I have another four acres one mile west of the Fifth Wheel Truck Stop, where I keep my containers; we also have a container business. We have over 400 containers that we lease to construction, to school boards and whatever. Then in Colborne, I have 55,000 square feet that we use as shops to do all our repair and certifications for our tractors and trailers.

**Mrs. Van Bommel:** Does the greenbelt legislation impact that business in any way?

**Mr. Hasiuk:** No. It impacts the property that I have on Courtice Road.

**Mrs. Van Bommel:** OK. You talked about marginal lands. I'm just curious as to how you would define "marginal." What makes it marginal land?

**Mr. Hasiuk:** The way to treat marginal land is look at the kinds of trees it's growing. If it's growing hardwood trees, maples—for these little hardwood trees, it takes a very good kind of land. If it's growing cedar, that's another thing. If it's growing nothing but scrub, then you know that's of poor quality. It could still be farmed, but it would take an excessive amount of fertilizer.

**Mrs. Van Bommel:** I quite agree. My father-in-law always used to say that you could tell a good farm by the trees that were growing on it. So there's no question that trees certainly do—

**Mr. Hasiuk:** Yes.

**Mrs. Van Bommel:** But you really do feel that this is marginal land, then.

**Mr. Hasiuk:** Yes, very marginal.

**Mrs. Van Bommel:** OK. Thank you very much.

**The Chair:** The official opposition; Mr. Hudak.

**Mr. Hudak:** Thank you, Mr. Hasiuk, for the impassioned presentation. You put a lot of thought into it, obviously. Others have brought forward similar points. Some of the fatal flaws in this bill are, as you said, there is no infrastructure plan, the future transportation corridors, for example, the hydro corridors. Where is the growth going to be? The answer we get is, "Minister Caplan is working on that," but their own panel recommended they proceed hand in hand. Waiting for that report is like waiting for the Leafs to win the Stanley Cup, you know, "We'll get it next year. It's coming." We ain't seen it in my lifetime, anyway.

The other point you make about Mitchell's—and my colleague John O'Toole has brought up this concern in our discussions as well. We have to make sure that the areas in the greenbelt are the appropriate areas. Other groups have brought forward areas that probably should be included, and other areas are included, from what we hear, without scientific justification. That's why we're calling it the greenbotch plan, because it's been so badly implemented.

What's your advice to the committee? How can we get out of this? How can we rectify some of the situations that you bring up? What needs to be fixed, or do you suggest that we just scrap the whole process?

**Mr. Hasiuk:** I don't think the whole process should be scrapped. I think there are some very strong farm

feelings. The farm community needs to be saved. There is a wilderness that needs to be protected so people can enjoy it. But I'm going to fall back on what's done me good for 40 years, and that's common sense. When you've got a sewage and water treatment plant and it's coming right up—it can't go south; that's Lake Ontario.

I'm saying that it needs to be looked at. I think adjustments need to be made. That's my answer.

**The Chair:** Thank you, sir, for your delegation. We appreciate your coming out today.

#### DON CHAPMAN

**The Chair:** Our next delegation is Don Chapman. Good afternoon. If you could introduce yourself and give the address of your farm, you will have 10 minutes to speak.

**Mr. Don Chapman:** My name is Don Chapman. I farm in the Queensville area. My street address is 21413 Leslie Street. Ladies and gentlemen, I'd like to thank you for the opportunity of coming to speak to you about my feelings on the consequences for farmers if Bill 135 comes into effect.

I have been in the farming business for over 40 years. I started in 1964, when I was 19 years old. In the early days, we grew cash crops as well as vegetables, which were sold in Canada and in the US. From those early beginnings of 200 to 300 acres, our farm has grown to over 2,000. Some 900 to 1,000 acres of this land are in vegetable production; the balance is in hay and grain crops.

Our farm is fully HACCP. Every part of our farming operation is controlled under HACCP. Besides the farm, we own and operate a vegetable processing plant, which handles all the produce from our farms and other growers' farms in the area. We own and operate a small trucking company, which handles all the delivering of our products throughout Canada and the US. We're licensed in all 48 states.

#### 1540

Along with my wife and myself, we have five family members engaged in the business. In addition, we have 35 full-time, year-round employees who depend on our company for their day-to-day living. During the first 25 years of my farming background, we were very profitable, and that's basically what got us started. Over the last 15 years, we have seen costs escalate drastically, to the point now that on some crops, the cost of production has exceeded the revenue we receive for the product.

In the past, farmland has always increased in value, so if you experienced a bad year in any given year—and that has always happened—your equity wouldn't be brought into question because land was slowly increasing in value. So you were kept in a fairly strong business position.

As I see it, there are two distinct issues at play here today. The first thing is land use. I do believe in the preservation of farmland. I've got two young sons and a son-in-law in my business who will probably want to



carry on our farming and processing business. But I believe that if the government decides to pass Bill 135, it will depreciate the value of the farms. I feel certain that the real farmer—and I mean the farmer who makes his living from the farm, not lifestyle farmers—must be compensated for the loss of value of his property if this bill is brought through.

The second point is the profitability of the farm business. Although these seem like two separate issues, they are directly connected. One of the best stewards of our Ontario farmland is our Ontario farmer. He looks at the land with as much pride as he does his children and his grandchildren. Selling land to a speculator, to him, is almost as bad as if you were to sell one of your own kids. It's something that no farmer wants to do, nor should he be placed in a position that he has to. When there is no chance, however, to make a profitable business plan, selling becomes an option. If you can't show the bank or whatever your lending institution is that you're going to be profitable this year, they're not going to lend you the money, and your only option, your last option, is to sell out and move on.

If we could go back to the early years when I started and was profitable, young people today would be able to start farming as I did, and the greenbelt legislation would not be needed. If Bill 135 passes, farmers will see their land values drop by millions of dollars. There isn't a farmer in Ontario today who doesn't need to borrow money for operating costs, to purchase capital items or to purchase land. If land values drop, the farmers will be in an equity crunch. Lending institutions will stop lending money to farmers and will begin to call in existing loans, forcing the producer out of business.

The Ontario farm economy generates \$8 billion in annual revenue for the economy of Ontario. As these products are processed and delivered to the end user in whatever form they take, that \$8 billion is multiplied seven times to amount to approximately \$56 billion for the Ontario economy. This creates hundreds and thousands of jobs at every step along the way.

In summing up, I do not believe the government has a moral right to create a greenbelt without compensating the farmers who make their living from the land. If the bill is passed, it will take away a farmer's pension plan. No government would ever try to take a pension plan away from a teacher, a civil servant, a fireman or anyone else. Why is a farmer any different?

If a person owns a house and lot in the GTA somewhere and they bought that house and lot in the past few years for \$300,000, would the government come along and say, "I'm sorry. Housing is getting too expensive. Your house is now going to be valued at \$200,000"? If that happened, there would be a hell of an outcry, and maybe even a revolution. If Bill 135 is passed, exactly the same thing is going to happen to farmers. I don't know, but I'm hoping—it doesn't seem like anybody has thought of that consequence.

I believe the bill will affect the farmer's ability to obtain credit.

Within two to three miles of my farm, where there is no greenbelt, as the crow flies, there are speculators driving up and down the concession roads buying every farm they can lay their hands on between Barrie and Bradford. I can see that land right out the living room window of my own farm. This will cause a leapfrogging scenario. The traffic moving from the Bradford-Barrie area going to Toronto will cause more congestion on the roads, more pollution and all kinds of problems that go along with that.

The final and most important thing I would like to say today is that if a farmer was able to run a profitable business today, as he was in the early days when I started, there would be no need for greenbelt legislation. The farming community would be a vibrant and healthy industry, producing safe and healthy food for ourselves and the world in general at a very fair price.

One thought that came to me while I was sitting back there listening was that farmers are at greater risk of being extinct than those frogs that were sitting here chirping away a few minutes ago.

**The Chair:** Thank you, Mr. Chapman. You only have 30 seconds left. Did you want to summarize?

**Mr. Chapman:** That's pretty well it.

**The Chair:** Thank you very much for your delegation. We appreciate you coming and your thoughtful presentation.

#### CALEDON COUNTRYSIDE ALLIANCE

**The Chair:** Our next delegation is the Caledon Countryside Alliance. Good afternoon. If you could identify yourself for Hansard, the group you represent and who will be speaking today, and when you begin, you'll have 15 minutes.

**Ms. Karen Hutchinson:** My name is Karen Hutchinson from the Caledon Countryside Alliance. On my left is Nicola Ross, who was the 2004 Caledon Environmentalist of the Year. She has a long history in the environmental community in Caledon and also as a writer.

Honourable Chair, standing committee, it's a great pleasure that we're here today to represent our beloved Caledon. Before I start, I just want to ask how many people know where Caledon is. How many people have been to Caledon? Good. OK. So you know where we are. We're at the north end of the region of Peel. The visual that I want to leave you with is that in the middle of Caledon is a spot where the Oak Ridges moraine and the Niagara Escarpment meet. It's a pretty unique environment.

**1550**

In order to build on Caledon's successes, a group of local residents representing both the environmental and agricultural communities have come together to agree on practical solutions for the greenbelt plan in Caledon. Our overwhelming objective with these comments is to ensure that this committee understands Caledon's unique situation and the proactive steps we have already taken to



date as a community: steps to ensure that we steward our world-class natural areas like the Niagara Escarpment, the Oak Ridges moraine, the Peel plain and our four watersheds; steps to be on the leading edge of planning policy with our trinodal growth strategy to ensure that we have sustainable balanced growth that our town can manage; steps to ensure aggregate extraction is necessary and environmentally sustainable; steps to bring all groups to the table, at the town's expense, to develop our comprehensive planning policies like OPA 161 and 179.

At this point it is imperative not only for our community, but for all communities in Ontario, to know that community consultations and local solutions will be taken into consideration at the provincial level. Ontario residents need to know that local planning and local community input are important and will continue to shape the policies of the villages, towns and cities they live in.

Caledon has put municipal time and money into developing official plan policies. Residents, businesses and other stakeholders have made similar commitments to the process. Caledon has been rewarded for this hard work with numerous awards, including that of Ontario's greenest town. We want to continue this tradition of high achievement and setting the benchmark. Caledon residents care about what happens to our town now and in the future. We ask that the greenbelt plan and legislation, Bill 135, honour the policies that have already been approved or are in the approval process by the provincial government.

On the greenbelt plan legislation, we have the following general recommendations.

"Conflicts with Greenbelt Plan:

"8. Despite any other act, the greenbelt plan prevails in the case of a conflict between the greenbelt plan and,

"(a) an official plan;

"(b) a zoning bylaw; or

"(c) a policy statement issued under section 3 of the Planning Act."

This should be amended to take into account aggregate and agricultural policies that are more restrictive, such as OPA 161 and OPA 179 in Caledon. This will allow for municipalities to have stricter policies in existence that are approved by the provincial government.

Section 5, objective (d), "to recognize the critical importance of the agricultural sector to the regional economy," fundamentally needs to address the issue of agricultural viability as it pertains to a secure food supply and the need to maintain stable, prosperous regional economies in rural areas. Food security and food supply must be considered a basic need, on par with a safe water supply. And just as we would not consider importing water from California to be a secure water supply, this should not be an acceptable option for our food.

To build on the greenbelt plan, the province of Ontario needs to develop a thoughtfully crafted strategic plan that protects agricultural and environmentally sensitive lands in a way that successfully integrates the three pillars of sustainable development: environmental protection, eco-

nomics sustainability and social equity. This strategy should reflect the complex issues involved, and must involve a real partnership between the government, affected municipalities, environmental and agricultural communities and other stakeholders rather than rely on traditional public consultation.

Just as the provincial government must demonstrate need before building new infrastructure within the greenbelt, aggregate producers should demonstrate need before opening new operations or expanding existing ones.

Now, we have four separate recommendations that pertain specifically to the town of Caledon.

(1) We ask that the Ministry of Municipal Affairs allow Caledon's resource policy, OPA 161, to be the minimum bar for the development of aggregates in Caledon.

(2) The Ministry of Municipal Affairs should allow Caledon's agricultural and rural policy, OPA 179, to be the minimum bar governing agriculture in Caledon.

(3) The Ministry of Municipal Affairs should take all of the Peel plain out of the greenbelt and use the southern boundaries of the Niagara Escarpment and the Oak Ridges moraine as the southern boundary for the greenbelt in Caledon. These boundaries should hold, with the exception of lands reserved for natural heritage corridors for the Credit and Humber Rivers, the Etobicoke and Mimico Creeks and other such deemed sensitive areas.

(4) The Ministry of Municipal Affairs should designate Caledon as a special pilot study area. Caledon is an ideal place to establish baselines and a monitoring program for our agriculture, aggregate and growth management strategies. In addition, innovative ideas to increase agricultural sustainability and viability should be employed using information and recommendations from the GTA agricultural action working plan. Various stakeholders throughout Caledon have already agreed to be part of this monitoring process.

What we've found in Caledon is that the greenbelt has actually been a very divisive process for our agricultural and environmental communities, much to our sadness, because we have tried to work together in the past on policies and plans. So what we've learned from our agricultural community and from an environmental sense is that when it comes to the Peel plain, the greenbelt is fragmenting it. Either it all has to be in or it all has to be out in terms of the Peel plain in order for us to have a fair chance at agriculture. We're recommending that it all be out and that the southern boundary of the greenbelt should be the southern boundary of the Oak Ridges moraine and the Niagara Escarpment.

We have worked, as I said, in our community to look at how we could monitor that, how we could set up policies. We already have a proven track record of setting up policies and being very effective in doing that. We would like to be granted certain pilot status to do a monitoring project which would look at all of these matters.

I'm sure you have lots of questions. I just have one final note: A couple of months ago, Debbe Crandall, who



is probably best known for her work with STORM on the Oak Ridges moraine and who actually grew up on the Oak Ridges moraine and still lives on the Oak Ridges moraine, Nicola Ross, who grew up on the Niagara Escarpment and still lives on the Niagara Escarpment, and myself, Karen Hutchinson, who grew up on the Peel plain and I still live on the Peel plain, came together to say, "What can we do for our community?" I think you'll find throughout Caledon there are a lot of people who are very committed to Caledon, very committed to making a lot of things work, and you'll find us very receptive to going that extra mile and making things work as evident in our Greenest Town designation. Thank you very much for your time.

**The Chair:** Thank you. We have two minutes per party, and the first speaker will be the government.

**Mrs. Van Bommel:** Thank you for your presentation. Would you just give us some more information about OPA 161 and 179? Would you tell me what they say?

**Ms. Nicola Ross:** OPA 161 is our aggregate policies. In Caledon we have a huge amount of aggregate resource. Consequently, a number of years ago we went through a very prolonged study process that brought together the municipal government, the aggregate industry and a number of different stakeholders and came up with a plan that was really kind of a "built in Caledon." It's a little more restrictive and there are some requirements in terms of priorities on what aggregates can be extracted when, and there are a few other requirements that are a little more stringent than what currently exists in the provincial policy statement.

Because we spent so much time and effort that was agreed to by all parties, including the aggregate industry, we feel that those policies work for Caledon and we would like to see them approved, even though they are more restrictive than what currently appears in the greenbelt plan. We'd be willing to do a monitoring program in some way to demonstrate how these are working relative to policies in other places.

**Mrs. Van Bommel:** And 179?

**Ms. Hutchinson:** OPA 179 is the agriculture policy. Again, a lot of stakeholders were brought to the table to figure out how we could address the issue of viability in agriculture in the town of Caledon. The bill was passed by Caledon council on October 6, 2003. It has since been stayed at the OMB while the greenbelt process is going on. Basically what it does is help agriculture to expand to include stores, perhaps, that could be on the farm, farm stores, and entertainment—some ways of actually adding to the income stream of the farming community.

1600

**The Chair:** Thank you. We have to go to the government side. Mr. Hudak?

**Mr. Hudak:** Mrs. Munro had a question. I just want to say it's good to see you again, Karen. I know Debbe, as well, played a big role on the Crombie panel for the Oak Ridges moraine legislation. Pass on my regards.

I've enjoyed my trips to Caledon. I want to congratulate you on all the work that's been done by the mayor,

council and groups like yourselves in forging this type of report.

**Mrs. Munro:** You made reference on page 3 of your paper with regard to the GTA's agricultural action working plan. We had a presentation earlier today that outlined that. I had the opportunity to go to a symposium about a year ago when that work was being done.

So much has been raised around the issue of agricultural viability. Obviously, that is the key to what's driving this GTA agricultural plan. I wondered, though, if you could tell us if you've had experience at either the Ministry of Municipal Affairs or of Agriculture in terms of feeling that these ministers and ministries are listening and do understand the importance of this action plan that has been put together.

**Ms. Hutchinson:** I was also at that symposium day. I don't have a lot of experience in taking it to the ministry and dealing with it at the ministry level. My experience would be more at promoting the local food economy, which that does address, and more working with organizations like the Toronto Food Policy Council. As I said, I haven't had a lot of experience with the ministry.

**Ms. Ross:** If I can add to that briefly, in the meeting we had on the weekend with the mayor and councillors, they were disappointed with some of the action they're getting at the provincial and federal levels. One of the good things that came out of this is that we are sitting down as environmentalists and speaking to our agricultural community. There's been some tension, so I think some good has come out of this whole greenbelt plan.

**The Chair:** Thank you. Ms. Churley, you have the last two minutes.

**Ms. Churley:** I too want to congratulate you both and Caledon for all the hard work and the achievements you've made. I do have some concerns, and I understand where you're coming from about not wanting to undo all of that good work that you did, but the committee has heard from, and will hear from, other community groups who are making the case that they're unique and doing good work. The concern is, once you go down that road—the leadership the province must take in order to make sure that we have consistency across the province. How would you deal with that?

**Ms. Ross:** If I could make a quick comment, one of the things Caledon has done, because of some of the changes in the planning policy—our planning department has 32 people in it, in the town of Caledon, and with 50,000 people that's a huge planning effort. With the efforts we've made, we're a long way advanced compared to some other communities. We've just put the investment in.

Yes, you can't do the same thing for everybody, but if you're going to try some different things, we'd be a good place to do it.

**Ms. Hutchinson:** I think one of the figures that came out on the weekend was that our aggregate policy was \$3 million of Caledon taxpayers' money, which we put to that and felt that it was important for our town. So I think that Caledon is one of those communities, as Nicola said,



that has a proven track record of caring and stepping up to get the job done.

**Ms. Churley:** That could, over time, change down the road, I suppose. I really do understand what you're trying to say, but there's still that whole issue of how does one determine, once you're trying to bring in—well, right now it's only GTA-related—a consistent plan that applies to everybody within a certain area—

**Ms. Ross:** But we're asking for policies that are more restrictive, not less restrictive.

**Ms. Churley:** I understand that, and we need to. In fact, I will be putting forward an amendment that will move the greenbelt too, looking at going to best practices and having that take precedence over the less environmentally sound. That's an important point, and I know what you're getting at. It's really critical that best practice takes precedence. There might be other ways of going about it.

**The Chair:** Thank you very much, ladies, for your delegation. Our time has expired. Thank you for coming.

#### DUFFIN CAPITAL CORP.

**The Chair:** Our next delegation is the Duffin Capital Corp. Welcome. If you could identify yourself, the organization you speak for and who the speakers will be today for Hansard, and when you begin, you will have 15 minutes. Should you use all of your time, there won't be any time for questions afterwards, but if you don't, there will be an opportunity for all three parties to ask questions.

**Mr. Mark Flowers:** Thank you, Madam Chair and members of the committee. My name is Mark Flowers. I'm a lawyer and I represent Duffin Capital Corp. Duffin Capital Corp. is a member of the West Duffins Landowners Group. It's a landowner in the Cherrywood area of the city of Pickering, sometimes also referred to as the Duffins-Rouge agricultural preserve.

**The Chair:** Are you both going to be speaking today?

**Mr. Flowers:** No.

I hope each of you has a package, a Cerlox-bound book and then some maps. The front map shows the red-hatched area. That is, in fact, what is referred to as the Duffins-Rouge agricultural preserve. The Cherrywood is the Pickering portion.

Although I realize that the hearing today concerns Bill 135, I'd actually like to start my presentation by quoting the Minister of Municipal Affairs and Housing, based on remarks he made to the Legislature when he introduced Bill 26 back in December 2003. That, of course, is the Strong Communities (Planning Amendment) Act. At that time, the minister spoke of the need to "put the ability to guide urban development back into the hands of locally elected decision-makers"; he spoke of the need to "ensure that the will of the people of Ontario ... is respected"; and he spoke of the need to "make government work for the people by making the planning process more open and transparent." I can say, having reviewed

Bill 135, that these principles seem to have been forgotten.

Rather than allowing locally elected decision-makers to guide urban development in their communities, Bill 135 centralizes planning decision-making powers at Queen's Park. Rather than respecting the will of the people of Ontario and their rights, Bill 135 proposes to eliminate many fundamental property and due process rights. Finally, rather than making the planning process more open and transparent, Bill 135, in fact, does not impose any accountability on the government to properly justify what are clearly profound land use planning decisions.

On the first point, the centralization of decision-making, Bill 135 makes no provision to recognize and respect long-term growth planning exercises that are currently being undertaken by various municipalities in the GTA. As many of you will know, the city of Pickering has been carrying out a comprehensive growth management study of the Cherrywood and Seaton areas in the city of Pickering since 2002. That study is the kind of municipal growth planning that you would expect the province to encourage, one that is multi-disciplinary, is long-term and strategic in its thinking, and is based on an open and transparent process.

The results of that study thus far—right now, it's going into phase 3 of a three-phase process—have determined that the city of Pickering does not have sufficient lands within its existing urban boundary to accommodate the population growth that is expected over the coming decades. Therefore, it needs to expand the urban boundary, and it has determined that Cherrywood represents a logical and appropriate location for that new urban community.

City planning staff reviewed the work of the city's consulting team. They came to the same conclusion. Accordingly, city council passed a bylaw in December to amend its official plan to bring a portion of the Cherrywood lands within its urban boundary. I'd just like to stop there and be absolutely clear: The city is not proposing to pave over the entire Duffins-Rouge agricultural preserve. I think there is a myth out there that that is the case. On the contrary, the city is only proposing to allow development in roughly the southern half, while maintaining a very large countryside area to the north, particularly around the hamlet of Whitevale. In fact, the city's plan, if you look at it, provides a significantly larger buffer for Whitevale than a plan that has been recently prepared by the province under the Ontario Planning and Development Act.

Notwithstanding the work of the city through its growth management study, the province is proposing to include all of the Cherrywood lands in the greenbelt, and that's against the express wishes of the locally elected decision-makers. Our recommendation, therefore, is that the government heed the words of the minister and allow the locally elected decision-makers to guide urban development in this community.



Turning to the issue of respect for the rights of individuals, I'm sure many of you will know that the current planning system recognizes the rights of all individuals—that's both proponents and opponents alike—to participate in the planning process, and also that they have certain procedural safeguards to ensure their rights are protected.

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By contrast, Bill 135 treats these rights as though they were privileges, to be taken away at the whim of government. I'm speaking, of course, of the absence of any right of appeal, the inability to make an application to amend the greenbelt, the elimination of procedural safeguards that would exist under the Statutory Powers Procedure Act and the inability to challenge the government's actions in court or to claim compensation, and those are just to name a few. I'm sure you will hear a number of others over these four days asking for such things as a legitimate appeals process and the ability to apply for an amendment to the plan even if you don't have the title "Minister" before your name. We certainly would echo those recommendations.

That brings me to my third point, where I'm going to spend most of my time, and that is transparency in the planning process. I can say that as a lawyer representing many development proponents, I'm certainly familiar with the expectation that for any large-scale land use planning process there needs to be a significant amount of scientific and technical work completed at the outset that will justify what is proposed, and that this work will then be subject to intense scrutiny from all other stakeholders and, if necessary, defended in a public, open forum. Naturally, I would have expected that the government would subject itself to that same standard of analysis, particularly in the case of the greenbelt, because it's making very profound, long-term land use planning decisions on lands that it doesn't even own.

If one simply looks at the draft greenbelt plan, there may be reason for some optimism, as the introduction seems to set out the criteria by which the boundaries of the greenbelt will be established. It states that the protected countryside lands in the plan have been identified through a combination of three factors: (1) the best science available, (2) a consideration of existing and future patterns of urbanization, and (3) local knowledge and advice. Those criteria leave a number of questions unanswered, of course, but at least it's a start, or at least so we thought.

The reality is that these are nothing more than words, and Cherrywood is perhaps the best example to demonstrate why this is so. Starting with "local knowledge and advice," I've already mentioned that the city has spent the last three years doing a growth management study determining where future growth in Pickering ought to go. Meanwhile, the province's mapping shows all of Cherrywood within the greenbelt. Then, looking at "a consideration of existing and future patterns of urbanization," again, the growth management study looked at that issue and determined that Cherrywood was a logical

and appropriate location for future growth. You don't even need to take the city's word for it. You can see, based on this map, that all of the yellow area is either developed area or to be developed.

Seaton, of course, which is currently undergoing a planning exercise to be developed, just north of Cherrywood, is the federal airport lands, and you probably heard the announcement in the fall by the GTAA proposing an airport on those lands.

If you prohibit development in Cherrywood, that doesn't curb population growth. Durham region is expected to almost double its population in the next 25 years, from a little over 500,000 to almost a million. The issue then is not whether Durham is going to grow but in fact where it's going to grow and where that growth ought to be directed. We suggest that that growth ought to be directed to Cherrywood. It represents the lands most adjacent to the existing built-up area where there are significant services already in place. That is in accordance with Smart Growth.

But the reality is that the province seems to envision something very different. If you look at the second map, this is an excerpt from the Durham region official plan. The area labelled on this map "alternative candidate area"—that's what we've put on; it's not part of the Durham official plan—is an area north of the hamlet of Greenwood, still in the city of Pickering. Those lands have been excluded from the greenbelt. They've also been identified in the Places to Grow document as a potential future growth area, notwithstanding that, as you'll probably see if you look at the legend, they are designated in the official plan as a permanent agricultural preserve. They represent a large, contiguous area of agricultural land. They're sandwiched between the Oak Ridges moraine and a large open space to the south, and they are far more removed than Cherrywood is from existing built-up areas and servicing infrastructure.

Just on the issue of servicing, Cherrywood is already well served by transportation facilities. The red line on this map represents the YDSS, which is the major trunk sewer system that traverses the southern boundary of the lands.

On the issue of servicing, there's a letter from Mayor Hazel McCallion in the Cerlox-bound book. It's just before the maps. In that letter, Mayor McCallion was responding to the suggestion that the Smart Growth panel—of course, she was the chair of the Central Ontario Smart Growth Panel—supported the province's decision to restrict development in the agricultural preserve. In fact, she confirmed that, on the contrary, the Smart Growth panel had "strongly recommended ... that development occur where the infrastructure is either already present or close by." The report, which I'm leaving you, is prepared by Stantec, a well-known engineering firm, and it confirms that there is excellent servicing capability in Cherrywood.

That brings us to the last criterion for inclusion in the draft greenbelt plan, and that is "the best science available." Given that the greenbelt seems to focus on the pro-



tection of agricultural land and the natural environment, I thought that's where I'd start.

On the issue of natural heritage features, Cherrywood has been studied extensively and found to contain no provincially or regionally significant environmental features.

On the issue of agriculture, recent agricultural studies that have been carried out by both the city of Pickering, through its growth management study, and by our client's consulting team, or at least the West Duffins Landowners Group team, come to the same conclusion: Cherrywood represents an area of low agricultural viability and it's of low agricultural priority. These conclusions are the result of a number of factors, not the least of which are a lack of agricultural support services, fragmentation, declining investment in farm buildings and equipment, isolation from other agricultural areas, and of course land use conflicts with all the development you see going on around it.

We suggest that the fact that the province's own study team in Seaton and Cherrywood has confirmed that some form of financial support would be required to ensure the viability of the Cherrywood lands for long-term agriculture speaks volumes about the merits of this ill-considered plan to maintain the entirety of these lands in agriculture. That conclusion should really come as no surprise. You will see that I've also included in the materials a letter from the president of the Ontario Federation of Agriculture to Ms. Maria Van Bommel, dated June 22. You will see that in the first paragraph it says:

"At that meeting," which they recently had, "you also sought our views on the Duffins-Rouge agricultural preserve...."

"Frankly, the agricultural communities and farm businesses in this area were emasculated when the Pickering and Seaton lands were expropriated 30 years ago. In spite of the good intentions of governments to preserve the area for agriculture, farm business economics and land use in proximity to these lands has discouraged farm business from relocating on the preserve lands...."

"This preserve is more about ideology than pragmatism. It clearly demonstrates that the preservation of farmland requires much more thought and planning than simply making a declaration. Farmland that is not economically feasible to farm ... is not real farmland at all; rather it is the green space that many ideologues seek in the guise of 'farmland.'"

Having heard the facts, it's time to weigh the science. On my right is just a sampling of the various studies and reports that have recently been prepared both by the city and from the West Duffins Landowners Group to indicate that at least some development should be allowed in Cherrywood. Needless to say, I didn't bring 30 copies of every document, but certainly if any member of the committee wants copies, they're available on request.

On my left, by contrast, this is a copy of the Liberal Party campaign platform for Growing Strong Communities. This is the only document I've been referred to by

the government to justify the inclusion of Cherrywood within the greenbelt, and believe me, I've asked on numerous occasions.

I think the results are pretty obvious. It's no wonder so many people are convinced that the only science that is being used to justify the inclusion of Cherrywood in this greenbelt is in fact political science. If we're wrong and the entire greenbelt is in fact based on actual science, the government should have no problem putting its reports on the table, as we've done, before passing this bill, and subjecting those reports to the same detailed level of scrutiny that would be expected of any one of us if we were to put forward a similar proposal.

Thank you.

**The Chair:** Thank you, Mr. Flowers. You've left the three parties with about 45 seconds each, beginning with the official opposition.

**Mr. Hudak:** Thanks very much. I'll decline my time so the government can answer your question about when they'll put forward their reports instead of a campaign brochure to justify their decisions.

**The Chair:** Ms. Churley?

**Ms. Churley:** Here is my problem with your concept of putting the power back into municipalities or keeping it there. Isn't one of the issues that the growth management study you're talking about was funded by developers, not the town itself? At what point, then, can you determine, I suppose, how neutral a study is in that case and why it's so important to have some provincial oversight over significant environmental land and prime agricultural land?

**Mr. Flowers:** Thank you, Ms. Churley, for that question. In fact, I'm not sure if you're aware, but it's not uncommon at all for the development industry to fund a number of growth management studies. Certainly Pickering is not alone in that; I can assure you of that. Many times, developers put forward reports. They're asked to be peer-reviewed and they have to pay for that peer review. The same question was raised at a Pickering council meeting directly to the lead consultant for the city's growth management study, Dillon Consulting, and I can tell you that Dillon Consulting took a lot of offence at that kind of allegation.

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**Ms. Churley:** I think I was there and heard that exchange. It's not questioning anybody's integrity, I suppose, but I think there's a point to be made here about objectivity, depending on who's paying for the study. It's not necessarily bad. Developers have certain interests; that's what you do. But municipalities are representing the people. So I do see a bit of a conflict there, which brings me back to—

**The Chair:** Thank you, Ms. Churley. Your time has expired. Ms. Van Bommel, from the government side.

**Mrs. Van Bommel:** Thank you very much for your presentation. Is this matter currently before the courts or the OMB?

**Mr. Flowers:** Which matter in particular?

**Mrs. Van Bommel:** The whole issue of the preserve.



**Mr. Flowers:** There is a court application dealing with the Ontario Planning and Development Act process that's currently ongoing. There's a minister's zoning order on the lands as well, put in place by the previous government, and there was a request by the city of Pickering some time ago to revoke that order. It was not done, and it has subsequently been requested that the OMB now schedule a hearing to hear the matter about revocation. I'm not aware that the OMB has opened any case filed.

**The Chair:** Thank you very much, Mr. Flowers. We appreciate your being here today.

### JOHN HOLTROP

**The Chair:** Our next delegation is John Holtrop. Welcome. Could you just identify yourself and give us your address? When you do start, you have 10 minutes.

**Mr. John Holtrop:** Thank you. Good afternoon. My name is John Holtrop. I'm 58 years old, the average age of the Ontario farmer. I've been farming for 38 years in York region, growing cash crops—canola, soybeans, corn and wheat—on about 5,200 acres. I'm going to keep this short and sweet because the brain can only take in about as much as the bum can stand.

I'll start from here. For me, the greenbelt legislation is a double-edged sword. I have been actively involved in preserving farmland in the GTA for a number of years. I agree with the reasons for creating a greenbelt. It preserves farmland for food production for the people of Ontario. It protects the natural filtration system of air and water for all society. It maintains the habitat and provides a corridor for wildlife. These are all benefits for society, and the whole needs to share in its cost.

As I've already mentioned, the average age of the Ontario farmer is approximately 58 years. If any other industry or profession of society had 58 years as the average age of its working members, we would be extremely worried about who would be taking over the profession. Yet the attitude toward farmers seems to be, so what?

Farming represents a huge investment in capital. Knowledge that is never found in a textbook is passed down from one generation to the next. This too will be lost if a son or daughter cannot take over from their parents. It is not an industry that you can leave and then take up once again. Once a farmer stops, he does not start up again at a later date. Most of the younger farmers must continue to work for their parents because they are not able to complete the generational rollover. Finance is the most inhibiting factor in transferring farms to the next generation. Financial distress is the result of the lack of using proper political means to prevent the dumping of cheap commodities and food products into Ontario. Financial distress is caused by the unwillingness of the government, federal and provincial, to match foreign support for our farming citizens.

Our present returns do not come close to reflecting our cost of production. We must join foreign countries in

either supporting our primary producers or prevent dumping of these foreign commodities.

The creation of the greenbelt just adds another factor to our financial woes. The creation of the greenbelt has devalued farmland immediately. It has taken away the opportunity to clear up debts and retire in dignity. We have no company pension or health care, as we are self-employed. It makes it more difficult to borrow money, as our land equity has been eroded severely with the introduction of the greenbelt. Lenders are reluctant to loan money on depreciating land value.

Farmers should be able to retire. Proper compensation would ensure that this is possible. Developers are already compensated because the properties they hold, which are already rezoned, have increased in value dramatically.

The greenbelt legislation also brings to mind a number of questions: What will the tax implications of the original landowners be if compensation is supplied? Is there a hidden agenda? Who wins, who loses? Will the next government be able to break or change this law again, and to whose benefit? Politicians are able to break promises without reprisal. What about laws? Can these laws be repealed?

I have spoken at length about the financial crisis facing the farming community. However, unless we address this first, why should we preserve our farmland, even if it is good stewardship to do so? If it is not profitable for us to farm, why save the land? Thank you.

**The Chair:** Thank you very much. We have two minutes for each party. Ms. Churley, you are the first speaker.

**Ms. Churley:** Thank you very much for your presentation. Have you been here all day?

**Mr. Holtrop:** No, just this afternoon.

**Ms. Churley:** I thought your opening comments might have indicated that. That's a bit how I feel at the end of the day, although the presentations have been great.

It's good to hear from you. It's good to hear from farmers who are directly affected. There is no doubt that there are a number of very serious issues facing you. My question would be, and you went into it a little bit, with or without the greenbelt, these issues are becoming a crisis—BSE, commodity prices and all kinds of things. What are some suggestions to make to the government and to all politicians about things you need to put in place so you can remain viable? After all, that's what you want. You don't want your farm paved over, but you want to be able to make a good living and keep your farm viable.

**Mr. Holtrop:** First of all, all governments have to follow the law, the same as we do. In the WTO and in NAFTA, the North American free trade agreement, there's a law that clearly states that one state is not allowed to ship into another state at below its own cost of production. We in Ontario and the government under Mr. Peters is allowing today for corn to come in at \$85 to \$88 a ton when it costs the Americans \$165 to produce. Why isn't the government doing something about that? That's



number one that they should look at. If they did that, it would solve a lot of the problems. Also, there's a case of interprovincial trade injury. Ontario is allowing Western grains, based in Saskatchewan, at 87 cents a bushel for wheat to come in and affect our growers. Why isn't the provincial government doing something about this? If they did all these things, then we wouldn't have a greenbelt problem.

**The Chair:** From the government side? Mrs. Van Bommel, are you asking questions?

**Mrs. Van Bommel:** Thank you very much for your presentation. There are a lot of things that you have said, and I certainly support a lot of your concerns. I stated this morning and I'll state again this afternoon that what's happening in agriculture is not just happening here in the greenbelt or in Ontario but is happening all across Canada, and we're seeing real problems in the farm community.

You stated at the beginning of your presentation that you support the preservation of farmland. I've heard the comment from different presenters that you save the farmers and then that will save the farmland. But from my perspective as a farmer, it seems a bit of a chicken-and-egg scenario, because without the farmland, there's not much point in having farmers.

**Mr. Holtrop:** But with farmland and no farmers, what's the point in saving the farmland? It has to be profitable. If society as a whole is going to benefit from the green space—and society will benefit from this green space—then society as a whole should pay. In other jurisdictions in Europe and in the States, there are examples where they do pay and are willing to pay, but in our case, it seems like nobody is willing to pay and yet we continually erode the value of the farmer's equity.

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**Mrs. Van Bommel:** You mentioned the GATT and the WTO. When you say that European nations and the US too, with their farm bill, subsidize or support their farm communities, how do they get around that in terms of the international trade agreements that we as Canadians work so hard to live by?

**Mr. Holtrop:** First of all, laws are only made to be obeyed. If you choose, as a province or as a group of people, not to obey a law, then you get away with it. The Americans are not obeying the law of the trade agreements and are shipping subsidized corn into Canada and Ontario. The Ontario government is choosing to close a blind eye through trade agreements and through its trade department, and federally we're also guilty, even more so, in not observing these trade laws, keeping track of these trade injuries and acting upon them. It's squarely in the government's corner to do something about this.

**The Chair:** Thank you, Mr. Holtrop. Our last question is from Mrs. Munro, from the official opposition.

**Mrs. Munro:** Thank you for coming today. The government member raised questions about agricultural viability, and certainly the government has tried to introduce that notion into many of the conversations today. But because we're here to talk about the greenbelt

and the implications it has for us as residents of the greenbelt, the important thing for us to understand here is, how does this impact on the viability of the farmers and the agricultural community in this region? The important thing I'd like you to respond to is, what are the special needs that make agricultural viability a different kind of issue for GTA farmers?

**Mr. Holtrop:** That's quite a big question you've got there. The whole viability of a farmer in the GTA is much different than for a farmer, let's say, 200 miles to the east or west. First of all, as people have said, the traffic problems. We have 1,700 cars an hour going in front of our—if you want to know about road rage, I'll show you road rage.

Then we have the problem of urban shadow. We have subdivisions being built, and the people who live in the subdivisions think they own the land beside it that we own. They have their snowmobiles and their four-wheel drives and build forts all over the place. Farming is a huge problem in the GTA. It's a sad point of view that maybe we've left a lot of this too late already. Sad to say, farmland ownership, as previous speakers have said, has passed away from the farmers. It has gone into corporations and people who look at land as nothing more than speculative value and shares and stocks on the stock exchange.

**The Chair:** Thank you, Mr. Holtrop, for your passion and your enthusiasm. We appreciate your being here today.

**Mr. Holtrop:** I could tell a lot more jokes, but you don't have time.

JOHN KAY

**The Chair:** Our next delegation is Mr. John Kay. Welcome. If you could identify yourself and your address for Hansard, you'll have 10 minutes to speak. Should you use all of the 10 minutes, then we won't have time for questions or comments, but if you don't, there will be time.

**Mr. John Kay:** My name is John Kay, 9529 Reesor Road, Markham L6B 1A8.

Thank you very much to all the committee. I've been involved with land use issues for the past 10 years. I could talk about some principles.

Self-interest is not a virtue. It's OK for food in your stomach and clothes on your back, but that's as far as it goes. Governance should be for the common good and it should be universal. You are the guardians for the next 500 years. That's what is on the table.

Sprawling urban development gobbles up resources. We can't afford that. This bill is a good first step. However, you haven't applied the principles of universality. This bill doesn't plan to compensate landowners, yet this Legislature has compensated landowners. I'm referring to the land swap deal between developers and the province, in terms of the Oak Ridges moraine and the Pickering lands in Seaton. You guaranteed the developers' investment. You should now abrogate that past



agreement and expropriate the lands they used to own in the Oak Ridges moraine and the lands they now hold in Seaton and let the developers sue the crown. If you don't do this, then this Legislature has to compensate every landowner under this bill. They all deserve compensation unless you abrogate all this monkey business with the developers on Seaton and the land swap on the Oak Ridges moraine.

The developers land-banked all that land on the Oak Ridges moraine. They probably used farm tax credits when they were land-banking it. Enact this bill and don't give compensation, then create something like a land trust or the National Trust in England.

Just as an aside, some history: The provincial government structured the land sales in the agricultural preserve in Markham and Pickering, primarily in Pickering because Markham hasn't been sold yet, to favour developers. As a consequence, the provincial lands sold in the ag. preserve were primarily bought up by developers. They now own half of that land. They also paid for a study, as referred to earlier, which the town of Pickering adopted. So the protected lands, which citizens fought to protect with an easement, are now in jeopardy. Also, the province sold hundreds of acres of land in Markham around the Cornell site, which is around 9th Line and 16th Avenue. Do you know what the average price was? Around \$44,000 an acre. This was in the 1990s and 2000s. That's the Ontario Realty Corp.

The purpose of my telling you these facts is that this bill had better be watertight and it had better be universal. It has to be fair to everyone. If you're going to give developers and corporate interests special deals, then you'd better compensate landowners affected by this bill.

I encourage all the MPPs to abolish the Ontario Municipal Board; it short-circuits municipal democracy.

Carry on protecting parts of the province with bills like this.

I want to give you a postscript: Remember Duffin Capital Corp. that just made a presentation, and the West Duffins Landowners Group? Well, those folks paid for a very expensive and extensive ad campaign to Pickering citizens, and guess what? They illustrated the natural importance and value of Seaton. They didn't want to develop it, according to their ads—corporate monkey business, hoodwinking the public. Duffin Capital Corp. and the developers they represent and other developers—guess what, folks? They bought provincial crown land in Pickering for between \$4,000 and \$8,000 an acre when it's worth \$44,000 an acre—massive, massive fraud and profits to the billions. I say it's fraud because farming tenants had first right to refuse or first right to purchase the properties in Markham and Pickering, primarily Pickering, and they gave those rights over to developers to purchase.

So this is the kind of monkey business with public land, OK? If you're going to protect land that's owned by private people—farmers and the like—it has to be universal. If you're not compensating them, you'd better

start taking away all the compensation that you gave the development industry.

That's it. Thank you.

**The Chair:** Thank you. We have a minute and a bit for each party, the government side beginning.

**Mr. Lalonde:** I don't want to go back to the previous administration, because you referred to the fact that some people bought the land at \$44,000 an acre before. That was certainly a gift, but probably somebody was trying to balance the books.

**Mr. Kay:** No, no. That's Ontario Realty Corp. selling to Cornell developers in the town of Markham—a sweet-heart deal—and that's a crown corporation of the province, sir.

**Mr. Lalonde:** It is the government. The Ontario Realty Corp. is run by the Management Board.

**Mr. Kay:** Right.

**Mr. Lalonde:** Do you really believe in this greenbelt legislation that would protect our agricultural land for the future of the people of this province?

**Mr. Kay:** I've read Bill 135. I didn't get to read the Oak Ridges moraine and escarpment acts referred to in the bill. I didn't get to read those two documents, so I don't know the nuts and bolts of this legislation. All I'm saying is that if you're going to take away farmers' right to develop their land or sell it to developers in the future, I've got no problem with that, but I think you've got to draw a line—not a Smart Growth study—draw a line on the map and say you're not going to develop this. You've got to have universal fairness. You gave these developers, like these guys who were sitting in the back here earlier, billions and billions and billions. You guaranteed their investments. And all the farmers back here who came? You're giving them naught, you're ripping them off.

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**The Chair:** Thank you, Mr. Kay. Your next question is from the official opposition.

**Mr. Hudak:** I appreciate your points, Mr. Kay. You talked about the National Trust in Britain or a land trust to assist farmers who are—

**Mr. Kay:** Not to assist; a creation of a land trust. It's a separate legal organization. The government could have a member or two on the board. It's like a private, non-profit corporation.

**Mr. Hudak:** So how would it function? What's your recommendation to the committee if we were to adopt this?

**Mr. Kay:** Well, you guys have all the resources. I took time off work, OK? Go to England and find out how they work it. I know it's successful. Have you ever been to the Yorkshire dales? You know, All Creatures Great and Small? Figure it out. It's all exactly the way it was in the 1930s. I've been there. You've got the resources, sir; not me. I'm a citizen. I took time off work to come and talk to you.

**The Chair:** Thank you. Our next speaker is Ms. Churley. This is the last question.



**Ms. Churley:** One more minute—give us one more minute of your time.

**Mr. Kay:** All right. I like you. You're a good one.

**Ms. Churley:** Thank you. You're making me blush, but I'm not hot.

Listen, I appreciate many of the concerns you raised. They're really important for everybody to consider, because the greenbelt that's before us now is not consistent. What you're saying is to some extent what I'm saying, that you've got to be fair and even about it. You're right: We have the expertise and the staff to read all of these things, and having gone through the documentation and all the mapping and things, right now there's a very serious concern about what's in and what's out of the greenbelt. And the impact of that on the farmers here who are here today—

**Mr. Kay:** I can get a map, Ma'am, and draw a whole bunch of lines on it; then don't develop inside it and keep it all green. But all this Smart Growth stuff of the PC government, that's all nonsense. Develop here, develop there, that's nonsense. Draw a line on a map.

**Ms. Churley:** But we're talking about the Liberals and their plan.

**Mr. Kay:** Well, that's—you know. Draw a line on a map, a whole vast region contiguous, and don't develop inside of it. Take back the money from the developers and give these farmers no compensation. That's what I'm telling you. Don't give these developers compensation. You gave them billions, hundreds of billions you gave them, and that's the truth.

**Ms. Churley:** Thank you very much.

**The Chair:** Thank you, Mr. Kay. Thank you for your time.

#### GREENWOOD AREA RATEPAYERS' ASSOCIATION

**The Chair:** Our next delegation is Greenwood Area Ratepayers' Association.

**Mr. Edward Tait:** Good afternoon. My name is Edward Tait. I live at 2550 Concession 6 in Greenwood, Ontario.

**The Chair:** Thank you. You don't need any training. I didn't have to go through my spiel. You have 15 minutes to speak.

**Mr. Tait:** I'm speaking on behalf of the Greenwood Area Ratepayers' Association, also known as GARA. GARA is a non-profit organization that represents close to 100 home- and landowners in the area around Greenwood.

We would like to commend the government's initiative in the creation of the greenbelt. The need to protect the Niagara Escarpment and the Oak Ridges moraine is undeniable. Too much of our natural heritage is being sacrificed to a notion of progress that is destructive to the very thing we need to survive: our environment.

The greenbelt plan manifests the Ontario government's recognition of the need to protect green space and contain urban sprawl. Special significance is given to

environmentally sensitive areas, sustaining countryside and rural communities, agricultural lands, restoration and improvement of ecosystems and the preservation and development of cultural heritage resources. Greenwood has all of these features.

The decision to make the shoreline of the ancient Lake Iroquois the eastern boundary of the Duffins Creek greenbelt corridor leaves the hamlet of Greenwood half in and half out of the protected zone. The portion of the hamlet and surrounding area located on top of a drumlin is in unprotected countryside.

The people of Greenwood respectfully submit that there are compelling reasons to include the entire hamlet and the surrounding environs in the greenbelt. GARA believes that the area included should run from Sideline 16 on the west to Salem Road on the east, and from Concession 5 to the south as far north as Highway 7. The Toronto and Region Conservation Authority's studies of local groundwater systems, however, show that this area is only a part of a much larger one that seems to have been completely overlooked.

The protected portion of the village is situated in a spectacular natural setting in the Duffins Creek valley. It contains historic buildings such as the original hotel, the homes of many of the original settlers, the Pickering Pioneer Museum, which was founded by local citizens, and a recreation complex built by local residents over 30 years ago and in constant use since then.

The portion not protected sits on top of the hill, commanding wonderful views overlooking the Duffins Creek valley. Here are the homes of the original settlers of what used to be the old village of English Corners 150 years ago. The original schoolhouse is there, Greenwood's oldest house is there, and the community church.

For many years, the city of Pickering and Durham region's official plans have designated the northeast area of Pickering as a rural area, with hamlets, farms and natural heritage. We now have learned that the province's Places to Grow plan identifies any area not in the greenbelt and south of the moraine as a target for future urban development. The cultural heritage and environmental beauty of our area have drawn, and will continue to draw, development interest.

One cannot live in Greenwood and not be aware of the amount of water in the ground. Most of us experience flooded basements during thaws and heavy rainfalls. God help you if your sump pump fails, and mine has three times. A slow-moving stream ran through the basement of our house year-round when we first moved there, until I could put a concrete floor in with drainage tiles, a sump hole and a pump; and we live at the top of the hill.

When we excavated for an addition 20 years ago, we cut through a clay drainage pipe and torrents of water poured into the pit out of that pipe. I learned that at the turn of the last century, these pipes were laid down at a depth of four feet at 15-foot intervals across the hilltop to the north of Concession 6 because the soil was too wet to work. A stream of water is flowing through the cellar of my daughter's home six properties down the hill. A



gentleman three properties down the hill from her gets flooded out regularly by a pair of springs at the southeast corner of his property. And at the bottom of the hill there are artesian wells.

When homes are built on the lower reaches of the slope, massive water flows out of the ground as a result, much like the big pipe in York region. Swales and ditches have had to be dug around the tennis courts and the baseball diamond in the park because so much water seeps out of the hillside above it. Our friends down the hill are drinking tea that has spent time in my basement. I apologize to my friend John at the bottom of the hill for the paint thinner I spilled down there. But that's the history of man, isn't it? Screw the guy downstream. Well, here's a chance to change how we write that history.

The greenbelt plan is designed to protect Ontario's water sources, working in tandem with the proposed source water protection plan. The Niagara Escarpment and the Oak Ridges moraine are the main areas of concern, but also included are river connections from those two areas into Lake Ontario and features outside those two areas such as watershed systems and major discharge zones. These are places where groundwater drains into streams and rivers that flow into the lakes.

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Greenwood sits in the middle of a major discharge area that accounts for 27% of the water that drains into Duffins Creek. The moraine accounts for 56%. These figures are taken from the Duffins Creek State of the Watershed Report done by the Toronto and Region Conservation Authority. This report also indicates, "The key recharge mechanism for the flow system is infiltration of precipitation and subsequent vertical leakage through the aquitards"—in other words, rain. For those of you who don't know what aquitards are, they are not what happens when a dancer wets her pants; these are layers of soil that are less permeable and slow down the flow of the water. This is not water from the moraine, but from local rainfall that falls around Greenwood and soaks into the ground and finds its way through our cellars, down the hill and into the creek.

I might add that north of Highway 7, the alignment of the greenbelt boundary with the Lake Iroquois shoreline leaves unprotected wetlands and ponds that form a flow of water from the Clarendon Conservation Area, down the west side of Westney Road, that is destined for Duffins Creek. At the very least, that line should be drawn to the east of that feeder system, in line with conservation area's eastern boundary.

However, we believe that the real forgotten piece of the large picture is the Carruthers watershed, which lies to the east of the Greenwood hill, between it and Salem Road. The fact that it is visually less dramatic than Duffins does not reduce its significance. Its source is not on the moraine but is several springs located close by, south of Concession 8 and between Westney and Kinsale Roads. It feeds large tracts of wetlands south of Highway 7, which are an important habitat for birds and other

wildlife. Just as a note, there's a field just to the east of Greenwood hill that is part of that Carruthers area, and it's an absolutely spectacular hatching site for fireflies in the late spring. It looks like a field covered with diamonds. It's one of the most beautiful things I've ever seen. I'd hate to see something like that get destroyed. This is exactly the type of area targeted by the water source protection plan. This area has also been studied by the Toronto and Region Conservation Authority and identified as a valuable ground water resource. GARA strongly recommends its inclusion in the protected zone.

Here, as with the Duffins system, the Greenwood hill plays an important role. Ground water flows from the top of the drumlin into Carruthers. Several seepage points can be seen along the road allowance that runs south from Concession 6 about one kilometre east of Westney Road. The hilltop area in and surrounding Greenwood plays a crucial role in the hydrogeological system of this very sensitive part of our region. It is one of only two drumlins in this area. The other, on Brock Road just north of Taunton, is not protected either.

We know that development has the effect of lowering water tables. All those fountain-sporting ponds outside of the subdivisions around Brooklin look pretty and are fancy, but that's the water that's bled out of the ground by putting in a development like that.

The destructive construction technique of levelling the topography and stripping off topsoil destroys the permeability of the soil and dries it out. The rainfall that now goes into our creek systems would then be piped out to the lake. Aquifer levels drop and, in turn, well levels drop and river flows are reduced.

We believe that the greenbelt can ensure the future viability of these water systems for future generations. I'm sure that's what you intend. The price they will have to pay for our failures is beyond our imagining. The gentleman before me said something about drawing a line in the sand. That's my line too. The time is now, before the damage is done, and you are the people who can do it.

**The Chair:** Thank you. We have about one and a half minutes for each party. The official opposition will begin.

**Mr. Hudak:** Thank you very much, Mr. Tait and the other members of the Greenwood Area Ratepayers' Association. You make some excellent points. I think this is a theme we've heard consistently about making sure that the proper areas are protected and that it is science-based and looks to the future. That having been said, we've heard a lot of concerns, whether it's here today or in Toronto at various public meetings, that there are serious and growing discrepancies with the government's map and what the reality is on the ground. In fact, we've called for the science to be tabled so that we can make sure and the public can make sure that the science appropriately fits the mapping decisions.

Give us some advice in terms of a process from here. What's the best way to make sure there's a transparent process to ensure that the proper lands are protected; if



there are areas left out of the greenbelt that should be in or vice versa?

**Mr. Tait:** Certainly, you can't stint on public input. It's the public who know these things.

The other thing is that what really dictates what needs to be done is not the political process, it's not the pressures for development, and it's not even the needs of the farmers—and God knows they're in a hell of a plight—but it's the planet that indicates what's necessary. You have to protect where the important systems are located, where the water is in the ground, where it's coming from, how it travels, where it travels, where the wildlife lives. The wildlife indicates where our environment is healthy. It doesn't exist anywhere else. I think it's a no-brainer, quite frankly.

**Ms. Churley:** Thank you very much for your presentation. Your comment about downstream reminded me of a little button I have that says, "We can't all live upstream." That is the reality. Thank you for painting a bit of a picture of some of the impacts of intense development on you personally and on your community.

You just mentioned political, but what kinds of pressures has the intense development that has been going on put on your community, in terms of fighting it and dealing with it and stuff?

**Mr. Tait:** Having lived there for more than 30 years, I can attest that in those years—and by the way, the original airport was announced six months after we moved in—I've actually had nightmares about looking out my window and seeing factory buildings across the road from me.

The reason I live in Greenwood is because of how I feel about the environment, our planet and the beauty that we should be surrounding ourselves with. The pressure for me is emotional and psychological. People would argue, "Build more houses near where we are, and our property value goes up." I don't care about that. I want to see that there is going to be something left of our planet that my children, my grandchildren and my great-grandchildren will be able to survive in and enjoy.

**The Chair:** Mr. Rinaldi, from the government side.

**Mr. Rinaldi:** I was one of those people downstream from you 30 years ago.

**Mr. Tait:** I apologize to you, too.

**Mr. Rinaldi:** But I'm still here. I was downstream from Greenwood.

I have a comment more than a question. As Mr. Hudak said in his statement, we keep on hearing about these boundaries and how they're determined. I think we're getting a mixed message, because, really, what we're talking about in these hearings is being able to enact greenbelt legislation to protect those types of things that you and some other presenters mentioned and, hopefully, to protect some farmland for the future, even though they have those. We're getting hung up on boundaries. I think that submissions like you and other folks have made today will help our government make sure to try to get those boundaries the best we can.

I guess what I'm try to say is I really appreciated those comments you made, particularly about Greenwood. There are a million other places just like Greenwood in the province of Ontario, so I certainly appreciate your input and your dedication.

**The Chair:** Thank you for your thoughtful presentation and your humour. We appreciate that at the end of the day.

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## NICHOLAS GALATI

**The Chair:** Our next presenter will be Nicholas Galati. Welcome. Please identify yourself for Hansard and state your address. When you begin, you will be given 10 minutes.

**Mr. Nicholas Galati:** My name is Nicholas Galati. I reside at 33 Pearson Avenue, Richmond Hill, L4C 6T2. I want to thank the ladies and gentlemen of the committee for permitting me to speak.

I am an owner of approximately 60 acres of moraine land designated as countryside. I'm here today speaking on my own behalf. However, I'm confident that the views I am about to express reflect the views of many landowners affected by Bill 135 in general and specifically regarding the Oak Ridges moraine act of 2001.

I purchased a 20.75-acre parcel in 1987 and later, in 1990, I purchased a 50% interest in a 40-acre parcel abutting this property. The property's situated just one kilometre north of Davis Drive and one kilometre east of Woodbine Avenue. My total investment in both of these properties to date is \$900,000. The property taxes I've been paying over the many years are currently between \$8,000 and \$9,000 annually.

It's a large sum of money for anybody to be investing in land, and the question you might ask is why I did so? It wasn't to speculate, as was suggested by the planners of East Gwillimbury township at a public meeting a couple of years ago, where one of the planners said to me, and I quote, "It's not anyone's fault"—referring to me—"that you speculated and it didn't turn out in your favour." I stated to them at that time and I state to the committee here today that I don't understand why anybody would make such a comment. Speculation, in my opinion, is not when you buy land and hold on to it for 15 years, hoping that one day you'll reap some benefits for your retirement as we did. I disagreed then and I disagree with anybody who suggests that all landowners are developers, all landowners are bad, all landowners are speculators. We invested in land for the sake of investment only.

I came to this country in 1953 at the age of four. My father was a proud Canadian until he died at the relatively young age of 67. He taught me and my five siblings well. He told us to always be honest and work hard and we will be rewarded. He also taught us to invest our money wisely and that we could never go wrong buying land. So I did just that. I worked very hard for 25 years. My wife and I saved our money and invested most



of our entire savings into these previously described parcels of land.

The subject land is situated, as I said, one kilometre north of Davis Drive and one kilometre east of Woodbine and runs southward from there. Anyone who knows this area also knows that the town of Newmarket is quite literally at the doorstep of our property.

The region of York has, in the last year or so, brought in water and sewers across Highway 404 to facilitate a brand new garbage transfer station on a street named Bales Drive, I believe it is, or Avenue, which is about half a mile or less from our property, in an industrial park complex which in the future, I'm told, will also house additional York regional facilities, such as emergency services and possibly the works department.

How peculiar and ironic that the Oak Ridges moraine excludes the lands that the municipality has purchased for the transfer station, including a 100-acre parcel immediately north of the transfer station that the region expropriated and paid, I understand, about \$1 million for 100 acres, and yet my lands are frozen totally, except I'm told that with a lot—a lot—of restrictions I might be able to build a single-family home, with very strict municipal enforcement.

The province, by freezing future development on my land, has stripped away not only my right to expect a return on my investment of 15 years, but has also eroded my principal cost, and thus robbed me of my trust in the government and in the system, unfortunately—the trust that I had in the free and democratic system. In the last decade or two, as we all know, we have witnessed an unprecedented change among many nations worldwide that had suffered greatly throughout the Communist era, and still even today many are giving up their lives for a taste of democracy. What is happening here, through Bill 135 and the Oak Ridges moraine act, is nothing short of government—through legislation, I might add—stripping my family, as well as many others, of our honest, hard-earned investment. Shame on you, I say.

Yes, I most definitely believe in conservation, the protection of trees and wildlife. I further believe that there is no reason whatsoever that with all the available wisdom, resources and knowledge in government's hands today, as well as in the private sector's hands, we cannot find a way to have orderly and well-planned development side by side with nature trails, with watersheds and wildlife still protected. It would allow people who live in these areas to experience nature at first hand by being close to nature itself in their own neighbourhoods. This is achievable on the moraine by careful and thoughtful planning, not by freezing land. All this is going to do is increase the value of land, and then you're going to get building everywhere else but the moraine, so what good is it protecting that?

We allow 250,000 immigrants here every year—I am an immigrant myself; I have no problem with that—and probably 75% of them wish to live in the greater Toronto area. Where are you going to put them, in Sudbury? They don't want to go to Sudbury. There's no work in Sudbury.

A leading University of Toronto hydrologist by the name of Ken Howard said in 2001 at an OMB hearing, "I've been working on groundwater for 25 years, and I believe that development can take place on the moraine in ways that minimize the impact on water quality and quantity."

In my own research on the subject, I've discovered that the moraine was actually first mapped out by government in 1943. Many governments of different stripes have come and gone since then, and not one of them, in their wisdom, saw the need to protect it in the last 60 years, at a time when they could have bought this land for next to nothing. I suggest that they look at lands away from the urban areas now and try to protect those while they can purchase them for next to nothing.

Today the government, like a thief in the night, wants not only to steal my right to be able to achieve a reasonable return on my investment in the land I sacrificed to buy and keep, but with the stroke of a pen to take away my dignity.

I do believe that by giving a mandate of one year or more to a group made up of qualified persons, we can achieve an equitable solution. Don't rush this through for political gain. I say to the current government, don't make the mistake the previous government did, and that is to play politics with the welfare of Ontario landowners, including farmers. However, if you wish to do so, go ahead and do so, but compensate me accordingly.

I paid \$900,000 for these properties. I want to achieve a reasonable return on that, otherwise I have no belief in my constitutional rights as a landowner. I'm not here as a steward for others' wishful thinking that we're going to protect this forever. We're not, unless we learn to develop these lands side by side in such a way that they can all interconnect with the greenbelt.

Just as an example, this development is 100 acres, and it has to have 10% that will be linked with another 10% or 15% of the next development. This is reality. It's not a pipe dream, like so many people think, that we're going to protect the world. In fact, habitable population area makes up only one-half of 1% of all the land mass in Ontario. We're making like Ontario's all here in greater Toronto. It's not. There's a lot of open space, a lot of wildlife.

**The Chair:** Mr. Galati, you have 10 seconds left.

**Mr. Galati:** In closing I say, please, if you want to play politics, compensate me for my hard work of many, many years.

**The Chair:** Thank you very much for your delegation.

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JIM MOORE

**The Chair:** Our next delegation is Mr. Jim Moore. Welcome, Mr. Moore. If you could identify yourself for Hansard, and your address, when you begin you'll have 10 minutes.

**Mr. Jim Moore:** My name is Jim Moore. I'm a dairy farmer. We live on Lot 24, Concession 5W, Chingua-



cousy. My address is RR 1 Terra Cotta, Ontario. If anyone wants to know where we are on the map, on 72, it says lot 24, Concession 5W on there. We're up in the very top corner.

As you see by the heading, we used to breed dairy cattle for export. Thanks to our lax federal government in bringing BSE into the country and not looking after slaughtering the cattle properly, this is the mess we're in today, so I guess I'm back to a dairy farmer and a crop producer.

On to the greenbelt: The greenbelt, in theory, is a great idea, on land that should be protected, especially for environmental reasons. If the Peel plain had been protected 20 years ago or more, a viable farm community may have been able to exist today.

Protecting land does not protect agriculture. Viable farming protects agriculture. Viable farmers must make enough money to not only produce a healthy commodity but also to cover costs of keeping up with government regulations both for the environment and for the public's sake. Nutrient management is a perfect example of one of these costs, as farmers must implement this on their farms in the near future. On our farm, we milk 40 cows. We have 200 acres. For us to milk just 40 cows, 200 acres is barely enough, I understand, to come under nutrient management, so future expansion is out of the question in our area.

Three important criteria for the Greenbelt Task Force were that land should be zoned greenbelt where there is an environmental reason or an area where agriculture is viable and there is an agricultural infrastructure in place. My land is in an area where there is no environmental reason for zoning that greenbelt, and with development on my doorstep, there is no longer an agricultural infrastructure in place, which makes farming no longer viable in this area. There is one farm south of us deemed greenbelt, where the second farm and all farms south are to be developed in the near future. Two and a half farms north of us is the Niagara Escarpment, so all that is left is four and a half lots. It is very hard to be a viable farmer left alone on a small part of the Peel plain.

On some places on the Niagara Escarpment there are pockets of farmland. North of us there are very few. I can think of two dairy farms between me and Erin, which is a 20-minute drive. In the region of Peel, 10 years ago we had over 100 milk producers; today we have 53. With you guys bringing this thing in, I know of at least six farms where dairy producers live that have been sold in the last two months. Guys have been offered enough money, they're out of the greenbelt, and they're going to move to a more agricultural-based area. I hope they do set up and I hope they are prosperous. I think we can be if we have the tools to do it, but if we're going to be stuck in a pocket down there, it's not going to be a profitable thing for us to do.

Since the greenbelt zoning, it is no longer worth enough to sell and move to a more agricultural-based area. Speculators have been in and offered to purchase our farm at a discount price. They even point out that

they could not afford to buy the land to farm south of us, as the value is so much higher as it is not in the greenbelt.

We are at the point where we need to expand. We cannot expand here. We are not at full capacity in our barn for the 200 acres. We could milk 50 cows. With three sons, I need either to expand or get out. The only future I see for our property, if it is left in the greenbelt, is two 100-acre estate lots.

My family has been through this before, so we know what happens. My grandfather purchased 150 acres on Eglinton Avenue back in the mid-1920s. His land was greenbelted in the early 1950s, also to protect farmland. All the farmland in the community was bought up by speculators at rock-bottom prices and turned over two or three times. Part of his land was expropriated for two hydro lines and a gas line. Then, most of the farm was sold. He retained two acres for his house and then rented the land back and worked it until the mid-1970s.

Some of the proceeds were used in 1956 to put a down payment on the property we now have south of Terra Cotta. The decision to move to this area was not speculative but was for economic reasons. If you lived in this area, you could ship bulk milk to Toronto and get paid more money, as we were close enough to Toronto. In the 1980s, the two acres of my grandparents' home were then expropriated for the Credit Valley Hospital. This farm now has both the Erin Mills Parkway and the 403 right through it as well; so much for greenbelt and saving farmland.

It is very hypocritical of the government to greenbelt land and then be able to build roads and garbage dumps on so-called protected countryside. It was not that long ago that land was zoned greenbelt in the corridor for the 407. The government bought the land at value prices, and then after building the 407, it has been able to sell off parcels of the land for \$200,000 and more. I have been informed in the last year that a new highway is going from the 400 to Guelph. It is proposed to go through or close to our farm. I also hear rumours of an additional BramWest coming up from the 401 to Mayfield Road. A dump servicing the GTA is also a strong possibility on this property just south of the escarpment. There are very few things that are less environmentally friendly than a major highway or a dump. I do not, and have no desire to, produce milk beside either of these. I see the government once again devaluing land just so they can expropriate it. Once again, our family are the ones who will stand to lose.

The attitude of Ontarians is that it seems criminal for a farmer to have money, no matter how hard he works. Liberal MPPs have been stating that the only farmers who disagree with the greenbelt are those who are speculators. Well, I've lived here on this land all my life. Land values should increase over the years, while I farm and continue to make improvements. I'm just a good businessman. The ones who are speculators are those who buy land when prices are low, hold on to it for a short time, then either sell it for a great deal more or develop it. I think the government is the one that is the true specu-



lator. In fact, the government greenbelt virtually freezes the land until they need it and then—

**The Chair:** Mr. Moore, you have 10 seconds left.

**Mr. Moore:** —and then expropriates it. It seems anyone who makes money when they sell their land is a good businessman, such as the finance minister of Ontario. I'll leave it there.

**The Chair:** Thank you very much for your heartfelt delegation. We appreciate you being here today. Thank you very much.

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## HALTON COMPASS

**The Chair:** Our last delegation today in our public hearing portion is the Halton Compass. Good afternoon. Could you identify yourself for Hansard and the group that you speak for before you begin? When you do begin, you have 15 minutes. Should you use all your time, there won't be an opportunity for questions, but if you don't, we will make sure you get an opportunity to be asked questions.

**Mr. Stephen Baker:** Thank you. My name is Stephen Baker. I'm a farmer and landowner and I'm the publisher of the Halton Compass, which has a circulation of 50,536. We cover all of Halton, down to Oakville and Burlington and a big chunk of Wellington county. I'm also a director of the Halton Region Federation of Agriculture and a member of the HAAC committee.

I'm speaking on my own behalf, also on behalf of my paper and on behalf of the farmers I associate with and represent.

Do we need a greenbelt? We have environmental factions in and out of government pushing for the preservation of almost all farmland in Halton region and a goodly chunk of Wellington county. This preservation under the proposed greenbelt legislation is intended to be complementary to the province's Place to Grow initiative. How one can freeze almost all the land and at the same time provide an adequate inventory of building lots remains a mystery.

We have two separate ministries working on the problem, though not necessarily in the same direction. What is unclear is which initiative the province would prefer to prevail. Cynics would say that the greenbelt is only in favour with the government because there is no tangible dollar cost to the government in announcing a freeze, especially as Minister Gerretsen has announced publicly that there will be no compensation to those whose land has been frozen. It is a no-cost way to live up to the spirit of some of the pre-election promises made by the provincial Liberals. On the other hand, there is the federal Liberal government's commitment to keep immigration at the quarter-million mark per annum. With over half of new immigrants opting to settle in the GTA, this means the GTA municipalities must find additional housing for 125,000 people each year.

It's a thorny issue. Those of us lucky enough to live the pastoral life would like to see that continue. In that

regard, the farmers and the environmentalists are of one mind. Where we differ is in the fine print. Farmers, and I am one, love the land. We preserve the land and hold it in trust for the next generation. What we can't stomach is being told what to do with our land, as if our ownership counted for nothing. Proponents of the greenbelt suggest that if there were no freeze, there would be a stampede of farmers trying to turn their unprofitable fields into valuable subdivisions. This is patently false. With or without the greenbelt, there is no mechanism that allows for free-for-all development.

We in Halton spent the best part of the last decade buffing up the Halton urban structural plan, a fine piece of planning that sets the limits of development in Halton for the next two decades. Essentially, under HUSP, any land that is not already zoned urban residential has little or no chance of being rezoned before the year 2025. Any land that is already zoned is outside the arms of the proposed Greenbelt Act.

What difference will the Greenbelt Act make? In practical terms, almost none. In large part, what we see with the Greenbelt Act is a clash of cultures. Pressures of urban living are forcing more and more people to re-evaluate their lives and prompt them to seek a more relaxed and gentler existence. Unfortunately, the dream of country living is not quite the same as the reality. When one is busy signing the real estate offer, there are no explanatory clauses in the document about wells, septic systems, fence maintenance, the noxious weeds act and smells and sounds from neighbours, who are an even bet to be working farmers. Waking up on your first blissful morning to the sounds of a harvest in full swing when you're not expecting it is likely to try the sweetest temperament. On the other hand, being a working farmer suddenly confronted on the busiest day of the year by a brand new and now irate neighbour who wants you to stop working is also not likely to bring out your sunny side.

Some time ago, someone came up with the idea that the way to keep such confrontations to a minimum was to set a suitable distance between farmer and non-farming neighbours. This became minimum distance separation legislation and was enshrined in law. What was originally intended to protect the working farmer from needless harassment turned around to bite the farmer. What had kept neighbours from building too close to farms was now used in some cases to restrict any further growth in the farm operation because that would now contravene the MDS calculations. In at least one instance in the last year, a Halton farmer has been forced to give up his live-stock operation because of opposition from neighbours.

We've seen huge changes in the face of agriculture in Halton in the last decade. Halton agricultural land is expensive from a rural perspective. Anything costlier than \$1,500 an acre is too expensive to farm profitably. Land in Halton is anything up to \$15,000 an acre. It is said that in order to survive, a farmer must have some form of off-farm income. The joke now doing the rounds is that such off-farm income is Bay Street. Actually,



that's fairly close to the truth. At \$15,000 an acre and with farms in the 50- to 100-acre size range, only investment bankers can afford them.

Why not buy smaller farms, you might ask? Ah, good question. To divide a property, one needs the permission of the municipality and the region and the blessing of the Halton agricultural advisory committee, HAAC. This blessing is only given once in a lifetime to a working farmer for he or she to separate off just enough land to build a retirement dwelling, keeping the bulk of the farm intact. The result is that Halton is blessed with fairly large, very expensive farms. Either the new owners rent out the land to large-scale cash crop farmers at nominal sums just to keep it farmed and to keep the weeds down or they convert to horse operations.

And horses are cool. One can brag fairly enthusiastically about the number of horses one has on the farm. It doesn't quite have the same cachet if you substitute the word "pig" for "horse." It is now estimated that there are more horses in the region of Halton than in the entire state of Kentucky.

The reality is that traditional farming is becoming more and more difficult in a high-land-cost area like Halton. Will the greenbelt depress land values, and by what extent? The simple truth is nobody knows. What is certain is that land outside the greenbelt area is now attracting a lot of attention from speculators and their values have risen. In case you're not aware, that farmland is superior in quality to that in Halton, which is modest at best. Why would we protect the modest farmland and sacrifice the high-quality land? It raises doubts about the avowed purpose of the greenbelt being to save agriculture. It plants suspicions in the minds of farmers that the greenbelt is really an excuse to provide parkland contiguous to the GTA at no cost.

The idea of a greenbelt is utopian. Everyone loves the green fields and hedgerows of rural Halton, but to preserve them requires an ongoing viability of the local economy. Where are the farm equipment specialists? Not in Halton. To fix a tractor, one has to float it out, adding 300 bucks to the final bill. Farming in Halton is not only expensive, it's inconvenient.

Urban pressure is too great to ignore. The influx of people has to go somewhere. We can either be proactive and have carefully planned growth like the Places to Grow initiative or we can adopt the Greenbelt Act and have that growth leapfrog into what is still viable farmland. The Greenbelt Act will not make any difference to the preservation of land in Halton. We already have that covered under the planning and zoning restrictions. If you don't believe me, try getting your farm rezoned urban residential. The negative effect of the greenbelt will be to push developers to amass land inventories in the outlying areas where there may be no formal structural plan to hinder new building. Thank you.

**The Chair:** Thank you, Mr. Baker. We have two minutes for each party, beginning with Ms. Churley.

**Ms. Churley:** Thank you very much for your presentation—last but not least. I don't necessarily agree with

everything you said, but on the other hand I'm not trying to live my life as a farmer.

One of the things I did want to ask you about, and there are many points you made, is the leapfrog development, because that is very definitely an area where we agree. We're hearing that what's happening, not surprisingly, is that the land that is in that strip outside the greenbelt—the land value on the farms in that area is actually going through the roof—

**Mr. Baker:** Yes, it is.

**Ms. Churley:**—yet the farmland within the greenbelt is devalued. So would you agree it's really important, if this goes ahead—and I support going ahead with the greenbelt, but I don't support leaving all kinds of that swath of land out—that in fairness that should be included in the greenbelt?

I suppose for somebody who doesn't support going ahead with the greenbelt that's not an easy question to answer, but if it is going to go ahead, would that make it fairer?

**Mr. Baker:** I think you're trying to protect the wrong land. The difficulty from my point of view is that the land is already protected. Painting it with a greenbelt and saying that you're going to put this veneer over it and eradicate what is a faint-hope clause that some day the farm is going to be a subdivision and the descendants of the farmer are going to have their pension, as it were—if you eliminate that, then what you do is you're eliminating it in the minds of the developers. If you say, "OK, well, let's push out the greenbelt and move it out," how far out do you move it? As far as you have the greenbelt, wherever the edge comes is where the development is going to be.

**The Chair:** Thank you, Mr. Baker. From the government side, Ms. Van Bommel.

**Mrs. Van Bommel:** Thank you for your presentation. I have a lot of questions that came up in my mind on this one as I was going through. Where I want to start is, twice in here you talk about the fact that Halton already has relatively restrictive land use planning policies in place.

**Mr. Baker:** Yes, it does.

**Mrs. Van Bommel:** You're saying that it would not make any difference in the preservation of the land in Halton. So I'm kind of confused, because I would see that the one complements the other, then. I don't quite understand why you would be concerned about the greenbelt supporting what Halton has already done.

**Mr. Baker:** What I'm saying is that the greenbelt doesn't add anything of benefit to the protection of the land in Halton. All that it does is eliminate in the minds of everybody that there is any chance that that is the next logical step in terms of development. So what happens is, wherever the greenbelt ends is where the developers are going to push and where you're going to get expansion. So the greenbelt doesn't do anything except endanger the land outside of the greenbelt area.

**Mrs. Van Bommel:** So if the greenbelt boundary were to come before Halton, and Halton has these re-



strictive land use policies in place, where would it then—I'm just trying to visualize what—

**The Chair:** He has 10 seconds to answer this question.

**Mr. Baker:** OK.

**The Chair:** Time's up.

**Mr. Baker:** Sorry. I forgot the question.

**Mrs. Van Bommel:** I didn't mean to stump you.

**Mr. Baker:** No, that's fine.

**The Chair:** The official opposition; Mrs. Munro.

**Mrs. Munro:** I'll try to give you another question that perhaps is a little easier. You mention in the last part of your presentation that you're obviously supportive of the theory behind planned growth in Places to Grow. Given the conversation that has taken place as a result of your presentation, is it fair to say that possibly the government viewed introducing the greenbelt legislation as easier than the Places to Grow? So many people have talked about the need to have both at the same time. The government has chosen not to do that. It just occurred to me from your presentation, is it because this is easier?

**Mr. Baker:** It's always easier to say no than it is to plan something positive. That's the difficulty you have. To say no is just a negative, frankly, which irritates the living daylights out of everybody. Even if you bring the

greenbelt in, it really doesn't address the real underlying problem, which is the immigration that's coming in. For heaven's sake, the HUSP plan that we worked 10 years on only takes account of 120,000 additional people coming into Halton. There are 125,000 immigrants coming into the GTA every year. We have to take cognizance of that fact. To turn around to the municipalities and say, "Well, wonderful, guys. Here you're going to house all these people, but, by the way, you can't build any new subdivisions," is ludicrous. I'm not advocating—

**The Chair:** Thank you, Mr. Baker. Your time has expired. Thank you very much for your thoughtful presentation. We're grateful you came today.

This brings us to the close of our hearings for the day. I'd like to thank all of our witnesses, the MPPs and ministry staff for participating in our hearings today. I'd like to remind members who are travelling by bus tomorrow to our Grimsby hearing that the bus will be leaving at 7:30 a.m. from the east doors of the Legislative Building at Queen's Park. It's a little bit later than it was: 7:30, east doors.

This committee stands adjourned until 10 a.m. tomorrow in Grimsby.

*The committee adjourned at 1738.*















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Mr. Tony C. Wong (Markham L)

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## Assemblée législative de l'Ontario

Première session, 38<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 2 February 2005

# Journal des débats (Hansard)

Mercredi 2 février 2005

## Standing committee on general government

Greenbelt Act, 2005

## Comité permanent des affaires gouvernementales

Loi de 2005 sur  
la ceinture de verdure

Chair: Linda Jeffrey  
Clerk: Tonia Grannum

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GENERAL GOVERNMENTCOMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES

Wednesday 2 February 2005

Mercredi 2 février 2005

*The committee met at 1001 in the Peach King Centre Auditorium, Grimsby.*

## GREENBELT ACT, 2005

LOI DE 2005 SUR  
LA CEINTURE DE VERDURE

Consideration of Bill 135, An Act to establish a greenbelt area and to make consequential amendments to the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Act, 2001 and the Ontario Planning and Development Act, 1994 / Projet de loi 135, Loi établissant la zone de la ceinture de verdure et apportant des modifications corrélatives à la Loi sur la planification et l'aménagement de l'escarpement du Niagara, à la Loi de 2001 sur la conservation de la moraine d'Oak Ridges et à la Loi de 1994 sur la planification et l'aménagement du territoire de l'Ontario.

**The Chair (Mrs. Linda Jeffrey):** Good morning. The standing committee on general government is called to order. We're here today to resume public hearings on Bill 135, An Act to establish a greenbelt area and to make consequential amendments to the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Act, 2001 and the Ontario Planning and Development Act, 1994.

I'd like to remind those in attendance that there should be no demonstrations of support for or against any comments made by any presenters or members of committee.

As well, I would like to caution the audience that while members enjoy parliamentary privilege and certain protections pursuant to the Legislative Assembly Act, it's unclear whether or not these privileges and protections extend to witnesses who appear before committees. For example, it may very well be that the testimony that you have given or are about to give could be used against you in a legal proceeding. I caution you to take this into consideration when making your comments, just as a warning.

HAMILTON-HALTON  
HOME BUILDERS' ASSOCIATION

**The Chair:** I'd like to welcome our first delegation, the Hamilton-Halton Home Builders' Association. Could they please come forward?

Good morning and welcome. Would you please identify for Hansard who will be speaking today, and the organization.

**Mr. Brad Duguid (Scarborough Centre):** On a point of order, Madam Chair: I notice that there are no members of the opposition here today. Are they aware? Are they in the building?

**The Chair:** They were made aware yesterday, and they likely had a shorter drive than I would imagine most of the members here today did. They were aware of the meeting time.

**Mr. Duguid:** I just noted that. I thought it was interesting.

**The Chair:** It is.

If you would identify yourselves for Hansard who will be speaking and the group that you speak for. When you begin, you will have 15 minutes.

**Mr. Anthony DeSantis Jr.:** Good morning. My name is Anthony DeSantis Jr. I'm president of the Hamilton-Halton Home Builders' Association. With me today are Mike Foley, our planning consultant, and Doug Duke, our executive officer. I will be answering questions, as will Doug and Mike, depending on what the questions are for.

**The Chair:** I just want to remind you that if you use all of your 15 minutes, then there won't be an opportunity for questions.

**Mr. DeSantis Jr.:** No problem. I will not take 15 minutes.

The Hamilton-Halton Home Builders' Association represents approximately 300 home builders, trades, suppliers and related businesses in the Hamilton-Halton region. In 2004, over 7,000 new homes were built by our members in and around the greater Golden Horseshoe.

Provincially, the housing industry contributed more than \$33 billion to the economy and created employment for over 300,000 people. This makes the home-building industry one of the largest employers in Ontario. The impact of the housing industry on the province's economy cannot be overstated, as approximately 20% of the price of every new home is the direct result of local, provincial and federal taxes imposed on the new homebuyer.

We not only build homes, but we also build communities and economic prosperity in the communities where we live, work and raise our families. Because home ownership and the community's built form is so integral to the makeup of our social fabric, any proposed changes



to the process through which housing is planned and built will profoundly affect our society as a whole. It is with this in mind that we provide our feedback regarding the government's proposed greenbelt legislation, Bill 135.

The biggest challenge facing the province is providing employment and housing opportunities to a population that is poised to increase by 3.7 million people by 2031. Approximately 200,000 of these people will call the Hamilton area home. The greenbelt legislation, as currently written, will have a devastating impact on our communities' ability to adequately manage the housing and employment needs of this growing population. This is compounded by the fact that there are lands currently proposed to be included inside the greenbelt in both Grimsby and Hamilton that are already serviced, have fragmented ownership and are contiguous with existing development areas. The province needs to take a serious look at the boundaries of the greenbelt plan and seek consultation with local stakeholders before it is finalized.

Although it would appear from the draft greenbelt map that there is plenty of land for future growth around Hamilton, the vast majority of these lands are within the Hamilton airport's noise contours and are therefore prohibited for residential development.

Hamilton has been, and continues to be, a leader in promoting sustainable development. According to the Urban Development Institute, the amalgamated city of Hamilton has the highest density of development in Ontario, at 23.8 units per hectare, even surpassing the development density of the amalgamated city of Toronto, at 23.5 units per hectare. Hamilton has developed at a density that is clearly consistent with the province's objectives of smart growth, and will continue to do so.

The problem with the province-wide mandate that 40% of all new growth must be accommodated within existing built area boundaries as required in the Places to Grow discussion papers is that it fails to recognize the existing densities of municipalities. The guidelines for cities like Hamilton and Toronto, for example, should not be the same as for communities that have developed at significantly lower densities, such as Oakville.

According to the Places to Grow discussion papers, the city of Hamilton will be required to accommodate an additional 80,000 people within its existing built boundary. Quite simply, this is not possible. A recent OMB decision regarding the urban boundary expansion in Hamilton concluded that only 6,500 units, or approximately 13,000 people, could be accommodated through intensification on existing brownfield sites—not 80,000, but 13,000. The implementation of the province's objective of accommodating 40% of the city's growth within the existing built boundary will destabilize existing neighbourhoods and strain the social fabric of the city.

The fact of the matter is that Hamilton is already putting the tools in place to manage future growth. Specifically, redevelopment in the city centre is taking hold, with over 1,000 units either approved or under construction in the downtown core. However, the pending imposition of a permanent greenbelt or urban

growth boundary will adversely impact our industry's ability to continue to accommodate and manage growth in a sustainable manner.

The major impact of the proposed greenbelt is the effect on housing affordability. Since the introduction of the proposed legislation, the cost of raw land in the greater Golden Horseshoe has increased by as much as 40%. This cost increase will directly impact the ability of first-time homebuyers to purchase a home, an opportunity that increases their financial equity and their standard of living.

However, the impact will be felt primarily by lower-income families, who have now been marginalized by the lack of affordable housing and the requirement to spend more household income on housing. According to the Vision 2020 annual sustainability indicators report, 16% of families in the city of Hamilton are considered low-income. The price of social housing is similarly affected, given the increase in costs and competition for land. We must ensure that the province fosters a planning environment that allows for flexibility, affordability and accessibility across a wide economic spectrum of society.

Recent research has shown that the imposition of an urban growth boundary and forced high-density requirements has a negative impact on the ability to manage traffic congestion. Contrary to popular belief, higher densities will not decrease the number of cars on the road but will only serve to put more cars in a smaller area, thus increasing congestion and pollution.

#### 1010

In the Hamilton context, highway traffic congestion is mainly caused by the net deficit of commuters out of Hamilton to find work. Over the last 30 years, Hamilton has gone from being a net importer of 7,400 commuters to a commuter deficit of over 23,000 commuters. Clearly, there is a need for more serviced employment lands within the city of Hamilton to provide more opportunities for people to work in the community in which they live. As part of the city of Hamilton's economic development initiative, the need for additional serviceable industrial land has been identified. The imposition of an urban growth boundary and the Places to Grow strategy will clearly have an adverse effect on the city's ability to reverse the commuter flow and ease traffic congestion.

The growth pressure on municipalities outside the urban growth boundary will increase significantly as well, as a result of the proposed greenbelt. This is called the leapfrog effect. These outlying municipalities have neither planned for nor have the capacity to accommodate this unexpected population growth resulting from the province's direction.

One of the main reasons that Hamilton and the GTA have both been able to accommodate growth is the ease of servicing capacity resulting from the proximity of Lake Ontario. Municipalities outside the proposed greenbelt currently rely on groundwater, rivers or minor lakes for their servicing strategies.

The imposition of this unpredicted growth will undoubtedly strain the financial ability of these municipi-



palities to deal with the need for increased hard and soft services. This is not just sewers and water, but also schools, hospitals, policing and fire protection. The strain of these increased growth pressures on the social fabric will ultimately affect the quality of life we are trying to achieve for future generations.

There is no evidence to support the premise that the imposition of an urban growth boundary will promote increased public transit use within municipalities. According to a study entitled *Urban Transit in Canada—Taking Stock*, prepared for Transport Canada in July 2001, although the absolute number of riders has increased over the years, the number of passenger trips per capita has not kept pace with population growth. It is not anticipated, even with large investments in transit, that work-related transit usage will significantly increase. Clearly, taxpayer dollars can be more efficiently spent in building infrastructure to support our growing population and providing employment and housing opportunities within the community.

The Hamilton-Halton Home Builders' Association believes in balanced growth—that is, growth which balances housing choice and the environment; long-term infrastructure requirements and the ability to pay for them; the need to implement controls and the need to provide affordable housing; and the need for transportation links and the resulting needs of the communities through which these links are planned.

In conclusion, it is our position that at the provincial level there is a need to provide a balanced approach to urban growth which recognizes the necessity for continued greenfield development, intensification of development in appropriate urban areas, brownfield redevelopment and the efficient use of infrastructure spending. It is the view of our association that the province must provide a policy environment that will allow for a wide choice of housing, affordability and a high-quality standard of living for future generations of Ontarians.

**The Chair:** Thank you. You've left about a minute and a half for each party, starting with Ms. Churley.

**Ms. Marilyn Churley (Toronto-Danforth):** Thank you very much for your presentation. You made a lot of points, and I can't get into all of them, but I wanted to have a better understanding of the leapfrog issue you raised and how that would impact on development in the Hamilton area.

**Mr. DeSantis Jr.:** It basically comes down to supply and demand. If someone is looking for an affordable single-family home in a new area, with the amount of land that is presently available in this area a first-time buyer may not be able to afford it. So they may decide to go to Brantford, leap-frogging the greenbelt, jumping over, and you'll get an increased demand in Brantford or other outlying areas, Caledonia or Paris, and you'll see those areas boom because they can provide a product that we know people prefer and can afford, but can't afford in this area.

**Ms. Churley:** So if the greenbelt were to go ahead, despite your problems with it, would you then suggest

that it should be expanded to deal with the fact that leapfrogging will happen?

**Mr. DeSantis Jr.:** If you expand it, the leap just goes further and you get people commuting even further—more highways to get to their jobs in the GTA, in Toronto, wherever they go to get to their work. So expanding the greenbelt isn't going to help it.

**The Chair:** The government side, Mr. Duguid.

**Mr. Duguid:** I actually enjoyed listening to your conclusion: It's your position that the provincial level needs to "provide a balanced approach to urban growth which recognizes the necessity for continued greenfield development, intensification of development in appropriate urban areas, brownfield redevelopment and the efficient use of infrastructure spending." I think that we on this side are in total agreement with that approach, and that's what the greenbelt is about: a balanced approach. We've set aside about 150 million acres of land for development.

I guess my question to you is, how much more do you think should be set aside? The studies we've seen and the people we have talked to have said we need about 75 million acres set aside for growth for the next 30 years and beyond. Do you think there needs to be more than that?

**Mr. DeSantis Jr.:** I think you have to look at this area specifically. You can't look at it as a whole, because this area has unique characteristics that may not apply when you're talking about Toronto, for instance. As I said, the land that has been left here—the majority of it, a great amount of it—is protected and cannot be used for residential development because it's under the airport corridor. Because of the noise contours, houses will not be able to be built there. Our concern is that in Hamilton specifically—the Hamilton CMA, they call it, through CMHC—there's not enough in this area. It may be OK for a few years, but if you're looking at a 10-year review, this community is going to come to a standstill and then the leapfrog effect may take hold.

**The Chair:** The official opposition, Mr. Hudak.

**Mr. Tim Hudak (Erie-Lincoln):** Thank you, gentlemen, for the presentation. I think you hit the nail on the head: There's a grave concern we are hearing at these hearings that the mapping exercise was done based more on political science than on environmental science. Here in Grimsby, at the west end, you mentioned land already serviced for development in Winona. I know my colleague Ms. Mossop has raised those concerns as well. Then there are areas that probably should be protected. We've heard about Boyd Park. We've heard about Parkview in Dundas and Marcy's Woods here in the peninsula.

What do you suggest as a remedy? Instead of using the Liberal campaign document for the boundaries, what's the best way of doing it? Should it be based on a third-party peer review, should there be an appeal mechanism, or do you trust the minister to get it right?

**Mr. DeSantis Jr.:** We haven't seen any economic studies done on how it's going to affect the ability of



people to buy a home. I haven't seen scientific studies on how this was determined. We've heard from farmers who have said they've protected land that's tender fruit land but nothing is growing on it. It hasn't protected the farmer. It seems to us that it has just been a random selection. At the one seminar we were in, they were using data from the late 1970s. So we're concerned about the way it's been implemented. We don't have all the details, and we think it has kind of been rushed to get it in.

**Mr. Hudak:** A remedy from here?

**Mr. DeSantis Jr.:** A remedy is to get these studies done. If it's a third party to look at it, that would be fantastic, but there definitely have to be further investigations and studies done on it.

**The Chair:** Thank you for your time this morning. We appreciate your being here.

### GRAPE GROWERS OF ONTARIO

**The Chair:** Our next delegation is the Grape Growers of Ontario. Good morning and welcome. Could you identify yourself and the organization you represent for Hansard. When you begin, you'll have 15 minutes.

**Mr. Ray Duc:** Madam Chair and committee, my name is Ray Duc. I have been the chairman of the Grape Growers of Ontario for the past two years. The Grape Growers of Ontario is an organization that represents 560 grape growers across Ontario.

I'd also like to acknowledge the local politicians who have been strong advocates of our voice: Jennifer Mosop; Kim Craitor, who has been very strong for us right from the beginning; Tim Hudak; Jim Bradley; and Peter Kormos.

From the time that Bill 135 was introduced, the Grape Growers of Ontario supported this vision of a greenbelt. It is truly a bold and visionary step, and, implemented properly, will create a lasting legacy for all Ontarians. This land base that we're preserving is critical for our industry to grow into the future, and I believe that it will grow. Right now, there's no room for growth; there's no market for growth. That's where we are now, but I believe that in the future there will be stronger demand for Ontario grapes.

1020

The grape industry is seen by some to be the jewel of agriculture in Ontario. The fact is that this jewel is hanging on a thin chain. The grape juice industry is in a crisis situation. Grapes for the production of juice represent 25% of our total production. A task force was struck to address the many pressures this segment of the industry is facing. These challenges include prices below the cost of production, a declining market which is controlled by U.S. interests, aging vineyards and aging processing plant. Next week we will meet with the federal and provincial ag. ministers to submit our final report on this segment of our industry. I hope that during your deliberations you take the time to read this task force document, which is entitled *Towards a Secure Future*.

In 2003, the wine grape crop was cut by half in one night by temperatures that dropped to below -20 degrees

Celsius. In 2004, temperatures again fell. Many sensitive varieties in low-lying vineyards were without a crop. During the nights of January 28 and 29, 2005—last week—minimum temperatures across the grape-growing region of Niagara were between -20 and -30 degrees Celsius. It is certain that significant damage has already occurred to next year's crop. Fans would help stabilize our crop, but the investment is large and we cannot absorb these additional costs while trying to compete in a global market. In this global market, our competition enjoys lower costs for labour, pesticides—everything is cheaper—more favourable weather and a myriad of government subsidies.

For many varieties, the prices we are receiving are below prices in 1996. When we get a normal winter and a good growing season, our vineyards will produce a crop that will exceed wineries' needs. We will be facing a surplus of wine grapes in Ontario, yet as we deal with this surplus, grapes by the boatload will come into Ontario from wine regions such as Chile. The wine will be blended in a 70-30 blend, 70% being the imported part of the bottle, and sold as the "Wines of Ontario."

The future of our industry is in the VQA segment. This segment must be promoted, and legitimacy must be brought back to the term "Wines of Ontario." VQA is 100% Ontario grapes. We see growth of this segment as critical so that there is demand for Ontario grapes. Right now, not even half our crop is going into VQA, and the rest is getting blended away. In Ontario, we can't compete against Chile; it's not possible. So we have to grow that VQA section through a promotion of VQA wine in stores, increased shelf space—many things can be done.

The LCBO and the whole beverage alcohol system in Ontario are going to be reviewed over the next several months. Let's use this opportunity to promote greenbelt products such as VQA wines. Australian and Chilean wines are doing just fine. Why do we promote them? Let's stop promoting agriculture on the other side of the world and see what needs to be done here.

My members are being asked to give up their land rights, including the right to retire on their own farms. These rights have tangible value, and yet no compensation in any form has been offered. If the government of Ontario is going to commit our lands to the production of food, then there must be a commitment to agriculture, and the depth of this commitment must be known before the bill becomes law.

Bill 135 states that agriculture should be the predominant land use within the greenbelt, but the bill has nothing to support this vision. Agriculture is a fragile industry. It will not be a viable land use without the support of all Ontarians. Until we see this support in place, we cannot support the greenbelt legislation. However, be assured that the Grape Growers of Ontario are committed to helping Bill 135 to be a success. We are convinced that the policies outlined in our submission to you today will help ensure the success of the greenbelt legislation.

How much time do I have left?

**The Chair:** Nine minutes. You're OK.



**Mr. Duc:** We have submitted a presentation to this committee. I would like to take just a few more minutes to highlight some of the points in it. I would like to stress that many of these things do not cost anything; they could be implemented with a pen and not a chequebook.

**Buy Ontario First:** We welcome the government's beverage and alcohol review. This is a great opportunity to support Ontario products. Buy Ontario First has to be foremost in government policy from this day forward if this legislation is going to work.

**Market development:** Currently, over 50% of our grapes are being purchased by two large processors. Government support is needed for new processors to be able to enter the market. If in the future there is a surplus of grapes, growers do not want to operate in an environment in which grapes are being dumped.

**Fair taxation:** Value-added is the way of the future. Many growers will step into wineries with their own investment, but they're going to need help to do this. Ontario's agriculture sector deserves to receive the same treatment as the Ministry of Finance provided to the maple sugar industry.

**Strengthening right-to-farm and trespass legislation:** This is critical also. We have to be able to do the things we need to do to be profitable and not be criticized or constantly fighting with other land uses in our area. The fans that I spoke of earlier are one example. They're going to be part of our future in the grape industry if we're going to be viable, and the complaints are already pouring in about the noise. We need the right to farm and we need the laws to back it up.

**Harmonization of pesticides:** This story is as old as the hills. We need to be in tune with the United States so we're competitive with them.

**Research:** Don Ziraldo is in the room; Don is starting an initiative to start a research foundation. He needs support from government. This has to go. We can't be a viable industry without research. We need to know what varieties and what clones will survive these winters if we're going to grow in the future. Ladybugs are a major threat. We need research done to know how to combat this pest.

**Niagara municipalities:** We're behind our municipalities. We need the infrastructure to be competitive world-wide. We need the mid-Peninsula corridor to take the pressure off our fruit lands.

There are some things in the greenbelt legislation in terms of severances. In Niagara, the legislation talks of being able to split a 100-acre farm in two and cultivate 50. There are no 100-acre farms in Niagara—very few. This is one reason why Niagara has to be treated differently than the rest of Ontario. It's unique. Farm sizes are smaller.

**Irrigation** is critical to the future of any agricultural area. In the States, in a dry area, the government comes in and digs ditches; they bring the army in to do what has to be done. This kind of thing isn't done in Ontario, yet we have to complete against them.

In conclusion, be assured that the Grape Growers of Ontario are committed to helping Ontario's greenbelt be a success. We are convinced that the policies outlined above in our report will ensure that success. It is important to note that most of the initiatives outlined will come at no cost to the government. We are convinced that they are balanced, reasonable recommendations that will create an extraordinary legacy for the people of Ontario in Niagara's microclimate and will not only ensure the viability of agriculture but will allow Niagara to take its rightful place in the world. It will create a legacy that your government and the people of Ontario will cherish for decades to come.

If I have any time, I'd be happy to take questions.

1030

**The Chair:** We have about a minute and a half for each party. From the government side, Mrs Van Bommel.

**Mrs. Maria Van Bommel (Lambton-Kent-Middlesex):** Thank you, Mr. Duc, for your presentation. Early on in your presentation you mentioned that the greenbelt legislation would prevent you from being able to retire on your farm. I don't see anything like that in the legislation at all, and I don't see anything like that in the plan, so how did you come upon the impression that you're not allowed to retire on your farm?

**Mr. Duc:** Prior to the legislation, we had the right to take a retirement lot, sever a lot on our farm and build a house on it.

**Mrs. Van Bommel:** So you're talking about a severance.

**Mr. Duc:** Yes. That is being taken away. For the grower who is planning his retirement, it's an additional cost to do this, because he must now buy a lot in town.

**Mrs. Van Bommel:** But it is permitted under the plan.

**Mr. Duc:** What is?

**Mrs. Van Bommel:** To take a severance.

**Mr. Duc:** Not a retirement severance.

**Mrs. Van Bommel:** OK. The size of the lot is what we're talking about, then.

**Mr. Duc:** Yes.

**Mrs. Van Bommel:** Regarding Buy Ontario First, we do have the Foodland Ontario program. From what you're saying, I take it that you feel that doesn't work for you as an industry.

**Mr. Duc:** Foodland Ontario is a fantastic program. It works very well for the products it's used with: tender fruit, peaches, vegetables. Why don't we put it on our grape juice labels, and a winery will want to use it? It's a great program, and it should be expanded.

**Mrs. Van Bommel:** So you really would like to see that program expanded.

**Mr. Duc:** And other policies that would encourage the use of Ontario product. Why can't it be used in all government institutions, such as schools, hospitals and government buildings? There should be no Washington apples in schools. Ontario apples should be in schools and hospitals.

**Mrs. Van Bommel:** I can certainly agree with you on that.



**The Chair:** Mr. Hudak, from the official opposition.

**Mr. Hudak:** Thanks, Ray, to you and the grape growers for this well-thought-out presentation. Thanks for your kind words too about the MPPs from all three parties. My friend Peter Kormos has also been a strong advocate for the grape growers and his constituents. As you probably know, he's sinking his teeth into the pit bull legislation, so to speak. Sorry for the bad pun. I know he wished he could be with us, but he's in Brantford for pit bulls.

I have a short, quick question and a long question for you.

You talked about increasing shelf space in the LCBO for VQA wines, which I fully support. Do you have a target that you think is reasonable for the government to achieve on shelf space for VQA wines?

**Mr. Duc:** We are working on a report that we'll submit within about two weeks. Right now, all I can say is "more."

**Mr. Hudak:** You raise a lot of very good and well-thought-out points about specifics that the government could bring forward as part of an agriculture strategy. In fact, their own task force, chaired by Mayor MacIsaac, said that they should have this hand in hand with the greenbelt legislation. Do you think it is a fair request, on behalf of farmers, that that agricultural plan should be on the table before they call this for a final vote in the Legislature?

**Mr. Duc:** I think it's critical. If they want the support of the farm organizations, they're going to have to come up with their commitment to agriculture. They're asking us for a commitment, so we're asking them for a commitment.

**Mr. Hudak:** The last—

**The Chair:** I'm sorry, but you have no time for a further question. Ms. Churley.

**Ms. Churley:** I don't know who drew the short end of the stick, but those of us who know him think Peter Kormos is more appropriate to deal with pit bull legislation than I.

**Mr. Duc:** Maybe he thought we'd bite harder.

**Ms. Churley:** I welcome your submission today. You did a very good job of pointing out many problems in the industry. As you know, I'm a former minister, and I was responsible in that area and worked very closely with the industry.

Your point about the government's review of the beverage and alcohol sector is a good one, because one of the notable absences in the terms of reference was exactly what you're talking about. As a publicly owned entity, it's a perfect opportunity to adopt Buy Ontario First, unlike if it were privatized. That's a great idea, and I'll be bringing that forward as one of the key mandates of this review.

She's probably going to say that don't have time because I spoke too long, but what percentage of Ontario wine could be supplied by the Grape Growers of Ontario at this point?

**Mr. Duc:** Half. That just off the top of my head, a ballpark figure.

**Ms. Churley:** So you just need some policy changes and you're ready to—

**Mr. Duc:** I'm very concerned about the growth. We haven't had a full crop for three years now. A full crop would produce a surplus. Legislation needs to be changed to address this on a graduated scale, over time.

**The Chair:** Thank you for your time this morning. We appreciate your being here.

## PRESERVATION OF AGRICULTURAL LANDS SOCIETY

**The Chair:** Our next delegation is the Preservation of Agricultural Lands Society. Welcome, and good morning. Please identify yourself for Hansard, and the group you're speaking for. When you begin, you will have 15 minutes.

**Dr. John Bacher:** I'm Dr John Bacher. I'm a researcher with the Preservation of Agricultural Lands Society.

Before getting into my prepared remarks, I thought I would like to respond to some of the comments from the Hamilton home builders. A lot of these comments were quite disturbing, especially their claim that there is no connection between urban density, auto dependency and urban sprawl. It is almost a fundamental cornerstone of land use planning that these assumptions exist, and these are based on good studies.

The Hamilton speakers did not cite a specific city, at least from what I heard, but what has been well known by land use planning is the contrast between the cities of Vienna, Austria, and Phoenix, Arizona, two great, different municipalities in terms of density and automotive dependency, Phoenix having very low density and being very dependent on the automobile and Vienna having higher densities and generally the most efficient public transit system in the world.

In relation to their statements about home prices, I'm from the city of St. Catharines and have been quite engaged in its land use planning since I was 12 years old. We've had permanent urban boundaries since 1981 and there hasn't been this escalation of housing prices. Why is this? Because there was, adjacent to the city of St. Catharines, a very large area of surplus industrial land, known as the Glendale industrial park, which was re-designated to residential use. It's very common in North America for there to be four times as much industrial land as is reasonably needed, and over time these lands actually do get redesignated to residential because the landowner is in a type of zoning where the land is unmarketable if the land is vacant.

As I indicated, I wish to begin with the historical experience of land use planning in the past 10 years, which I think we have to understand is the real reason we're here today. One important development is the demise of the Niagara tender fruit land program in June 1995. This program would have provided for the purchase of restrictive covenants throughout the Niagara tender fruit growing area. This program would have



eased the financial difficulties of growers farming on the most expensive land for agricultural crops in Canada and protected the land in perpetuity.

Until 1996, the Planning Act had provided that there would be no expansion of urban settlements on to specialty crop land, without exception. These policies were intended to strengthen what was already there in the Niagara policy plan, which through appendix B provides that such boundaries, when adjacent to unique Niagara grape and tender fruit lands, should be considered permanent.

Following the weakening of the Planning Act, the OMB made the worst decision for the fate of the unique Niagara fruit lands since the policy plan was adopted in 1981. Ignoring the provisions of appendix B, it permitted a 550-acre expansion of the urban settlement area for the town of Pelham. This decision has been cited as justification for others who may wish to encroach upon the unique fruit land uses, especially in St. Catharines, and for some already allowed urban uses.

#### 1040

At the same time that the Planning Act was being gutted, the provincial government paradoxically moved to strengthen land use policies impacting on the Oak Ridges moraine. Key provisions of the new Oak Ridges Moraine Protection Act made it more difficult to expand urban boundaries of urban settlements within its borders. Most significantly, the act imposed a 10-year moratorium on such expansions.

The current situation shows the need to have planning provisions similar to those of the Oak Ridges Moraine Protection Act for other comparable unique and significant landscapes around the province. The 10-year moratorium for the moraine should also be applied to the comparably hydrologically significant Niagara Escarpment. The Niagara Escarpment, like the Oak Ridges moraine feature, is an important stream recharge and headwaters area.

The Niagara Escarpment Commission planning area is now facing several urban expansion requests. Likewise, the escarpment link lands—850 acres in the Burlington area close to the Niagara Escarpment—are facing strong pressures for urban expansion. One of the strongest features of the Greenbelt Act is that it will prevent urban expansions on to these agricultural areas that buffer the Niagara Escarpment.

The Niagara fruit belt, a much smaller area than the Niagara Escarpment, is also unique and threatened by urbanization. Like the escarpment, it needs special protections that are designed to prevent urban expansions forever. This is provided for in the greenbelt draft plan: strong protection that is provided to only one other agricultural area, the Holland Marsh.

The government is to be commended for its decision to restore the permanent protection for the Niagara fruit belt that was removed in 1995, with disastrous results. This protection is also provided in the draft provincial policy statement, which is expected to become part of the new Planning Act this spring.

The government deserves particular commendation for its decision in the draft greenbelt plan to extend the Niagara fruit belt area to include most of the shadow fruit belt south of the Niagara Escarpment. As Dr. Leonard Gertler's work for the Niagara Escarpment illustrates, this area is increasingly important for grape growing. One of our greatest achievements was in 1978, in persuading the Ontario Municipal Board to remove 1,200 acres of grape lands from the Thorold urban zoning boundary in this shadow fruit belt immediately south of Lake Gibson.

One important limitation of the greenbelt is that St. Catharines is the only large city in excess of 100,000 population where the greenbelt boundaries come up against an urban zoning boundary. All the other large municipalities—Hamilton, Richmond Hill, Brampton, Milton, Oshawa, Pickering—are allowed more than ample room for future urban expansions.

Other cities in the greenbelt should be restricted in the same manner as St. Catharines. This is because, as the work of the Neptis Foundation illustrates in comparing the existing urban growth boundary, there is more than enough land in this area to accommodate growth for the next 30 years. It's clear that what is projected would allow far too much development and that this land is better in terms of agricultural quality than the lands inside the proposed greenbelt.

We are aware that statements have been made that people disagree with the Neptis figures. We haven't seen any hard data to indicate where these figures are wrong. But when we look at these figures, what we see is that they're too conservative. They omit some lands such as quarries that are in urban boundaries, which, over time, will probably be redeveloped for urban use.

From our observation, what really gets left out in all these calculations of land supply is dry industrially zoned land, which is scattered all over the countryside. There has never been an actual attempt really to estimate what the capacity of brownfield sites is. What we get is a mapping of these sites, but we never really get how much housing is likely to be on these brownfield sites. It's just a total figure of how much there are out there.

The draft provincial policy statement is written in a fine way, but I think it would be better if it was just explicit that there not be any urban boundary expansions, because if you look at the methodology there, saying municipalities will have to have brownfield redevelopment, will have to achieve higher densities than what they have now—there wouldn't be any expansions. Why not just say it in the provincial policy statement in the Greenbelt Act and so forth?

Apart from making it more difficult to have an urban boundary expansion, I would consider the greenbelt legislation very weak legislation because, apart from this needed reform, the actual zoning is just what's already there in municipal plans and zoning bylaws and official plans.

What is most disturbing is—this isn't a major problem in Niagara, although it is an issue in Niagara-on-the-



Lake—that there are these areas of permissive rural zoning. This is really an unfortunate evolution of planning history in Ontario how this rural zoning comes about. A better name to call this would be the “zone of bad planning” because what it essentially says is that the countryside can be protected if it’s good agricultural land. If it’s not, you can have all sorts of severances unless essentially the public health authority says you can’t have the severance. It’s something that should not be permitted in just the greenbelt, these rural permissive zones, but not allowed in the province. One of the most disturbing aspects of the proposed plan is that it actually invites municipalities to expand this rural zone larger than currently exists, which I think would just invite a flood of applications for bad planning.

There’s another aspect of this. Even in areas that are supposedly protected as good general agricultural land in the official plan—

**The Chair:** Dr. Bacher, I don’t mean to interrupt your train of thought, but you only have a minute left.

**Dr. Bacher:** Thank you.

We encourage more programs for land stewardship, especially the revival of the Niagara tender fruit lands program. We wouldn’t like it just as it was in 1994 but, for the reasons that the speaker previous to me indicated, we think it should also be applied to grape lands.

**The Chair:** There isn’t enough time for any group to ask you any questions. Thank you for your delegation. We appreciate your being here today.

1050

#### MOUNTAIN ROAD WINE CO.

**The Chair:** Our next delegation is the Mountain Road Wine Co.

Good morning and welcome. Could you identify yourself and the company you represent, once you get yourself organized. When you begin, you will have 15 minutes. Should you use all your time, we won’t be able to ask you any questions, but if you don’t, we’ll get an opportunity to question you on your statement.

**Mr. Steve Kocsis:** Thank you. My name is Steve Kocsis. I’m a farmer, a winery owner. Madam Chairman and members of the committee, thank you for giving me the chance to speak to you about the proposed greenbelt legislation. I live in Beamsville and try to make a living as a fruit and grape farmer, in part on the same property that my parents purchased in 1958. I grew up on this farm and went to public and high school in Beamsville.

In 1981, I sold my business in Toronto and moved back to Beamsville so I could raise my children on a farm. I wanted to instill in my daughter and son a love of the land, to teach them to be stewards of the land, to enable them to cherish the privilege of watching budburst in the spring, to give them the chance to balance their lives with the sweet aromas of bloom in the vineyard, the joy of fruit ripening in the orchard, to provide them with the soul-soothing balm of grapes hanging heavy on the vine, gathering sugar from the autumn

sunlight. The proposed greenbelt legislation is threatening the continuation of our family farm.

The economic viability of grape farming has been slowly diminished over the past 10 years due to the power given through legislation to monopoly forces in the grape and wine industry. The two largest wineries, with their grandfathered retail outlets, enjoy a stranglehold, along with the LCBO, on marketing wine, the primary product of my land. The monopoly, granted in the wake of the free trade agreement, was set in place to help Ontario-grown grapes and wine. Both the monopolist corporations and the LCBO have betrayed the purpose of their privileged position in the marketplace and are advocating measures to the greenbelt review panel to protect their lucrative retail monopoly at the expense of the grape growers of Ontario.

By locking farmers into the narrow confines of being primary producers, they are protecting their retail monopoly profits and creating a culture of farmers as serfs on their own land. They, along with government, expect us to continue to produce product at below our cost of production to fuel their shareholder revenue and the overly burdensome government tax revenue extracted from the industry.

The Vincor/Andrés/Wine Council of Ontario agenda is to drive down the price of grapes and hence the price of land. Without the option of diversifying their farm operations to alternative income streams, the value of the land, the equity farmers have built up over generations, would disappear. The same corporate agenda resulted in a huge consolidation of vineyards in California, driving out the individual family farms and eventually a lot of the small wineries. It is a tried-and-true formula: drive down the price of the land, buy out the farmers at a pittance and return profits to the shareholders.

Seeing the inevitable trends, I chose to maintain the viability of my farm by starting a small winery. I had to struggle against the town of Lincoln, which was prepared to accept the Wine Council of Ontario recommendation for minimum size for farm wineries of 50 acres. It was a hard-fought struggle to convince the town that preventing the formation of small wineries was not in the best interests of the town of Lincoln. The region of Niagara, the Niagara Escarpment Commission and the province of Ontario, through its various ministries and regulatory agencies, cost me five years of my life and hundreds of thousands of dollars of debt before I could open a 500-square-foot retail wine shop on my farm.

The greenbelt legislation, as it is currently proposed, will be another wet blanket of bureaucracy trying to smother farm viability. Our only hope to stay afloat and keep the land productive and green is policies across various provincial ministries to enhance our economic viability.

Farmers need the freedom to develop their properties for value-added businesses, whether it be wineries, agri-tourism or on-farm processing and retail ventures. The minimum size proposal for farms to be 50 or 25 acres is way too high. The five acres of planted vineyard required



by the AGCO for a farm winery and retail shop should be the acreage requirement in the greenbelt legislation. The minimum requirement of \$12,000 gross production by the Ministry of Agriculture for farmer status should be the one reflected in the greenbelt legislation. The restriction of building size for an on-farm enterprise should be eliminated or raised to 5,000 square feet.

The red wine chosen for the Legislative Assembly dining room for this year comes from an 11.2-acre farm, made in a 3,200-square-foot building. Please do not stifle craft wineries by unworkable restrictions. The gross non-farm income limit for on-farm enterprise should be scrapped.

The greenbelt legislation has to work for farmers, not against them. The Ministry of Agriculture arbitrator that awarded over \$4 million to Vincor and Andrés at the expense of 550 grape growers has to be reminded of the objectives of the greenbelt plan. His pride in declaring that the cost of production is an irrelevant criterion in his decision has to be curbed.

The LCBO review process has to enhance the value of our Ontario grapes and wineries producing 100% Ontario-grown wine. Granting each farm winery two or three off-premise wine shop licences, as is done in many American border states, would go a long way to invigorate the grape and wine industry. Protecting the 300 grandfathered wine stores that sell imported blended Chilean wines and 600 LCBO stores that enthusiastically promote every import from around the world with Ontario taxpayer money, but only grudgingly allows access to a few Ontario wines, does not serve the proposed greenbelt objectives.

Please do not underestimate the long-term effects of the greenbelt legislation. The key to protecting the farmland is to provide economic viability to those who farm the land. The heavy hand of greenbelt legislation should not only reach on to my land, but it should play its cards at all provincial ministry tables and it should trump all ministries whose policies stifle farm viability.

Clean up your own house first before you come barging onto my property. Bring to heel the Farm Products Marketing Commission, consumer and commercial relations, the Alcohol and Gaming Commission of Ontario, the Liquor Control Board of Ontario, Environment, Finance, municipal assessment, the Niagara Escarpment Commission, regional government and municipal government. They all should be obligated to further the objectives of the greenbelt plan.

Do not put the burden on the shoulders of the farmer alone. Do not enrage us by bragging how this will not cost the urban voters a penny. Do not transfer the value of our farm equity into the hands of land speculators who have staked out their claim in the magical zone between urban boundaries and greenbelt boundaries.

Instead of drawing lines on a map without having set foot on the land, the greenbelt legislation should draw lines in every ministry and policy-making body and bureaucratic structure empowered by the provincial Legislature. Only then will you have done your job of

protecting the most precious resource we can pass on to the next generation: a land green and healthy and prosperous, supporting a vibrant and economically viable rural community, a community where people have the time and resources for their children and fellow rural citizens, a community that provides healthy and wholesome food for your table, grown and vinted in Ontario.

1100

**The Chair:** Thank you, sir. You've left two minutes for each party, beginning with the official opposition.

**Mr. Hudak:** Steve, thanks very much. You and I have had a good chance to talk about this personally in the past, and you bring forward today some of the passion and frustration that grape growers and small winery owners are feeling about this legislation. I think there's support of the principle, but if the government doesn't pony up funds to support the agriculture industry, grape growers and small municipalities, you bring forward relevant scepticism that it's going to work.

We've been waiting for the agriculture support plan for a long time. It's like waiting for the Maple Leafs to win the Cup. It's promised every year, but it doesn't seem to come through.

**Ms. Churley:** How far back, Tim?

**Mr. Hudak:** To 1967, if I'm right.

*Interjections.*

**Mr. Hudak:** Chair, they're eating into my time with their jokes over there.

VQA store legislation is before the Legislature, a private member's bill I have that is coming for debate in March to allow owners to cross-sell, and potentially for more licences for small owners. Do you think that's a good approach? Is that part of the equation? You talked about the grandfathered licences and how you're restricted. How would you resolve that issue?

**Mr. Kocsis:** I think the ownership of any new retail outlets should be vested in land-based wineries, so each existing winery and any proposed new wineries should have the opportunity to have off-site stores so they could tap the market that's being blocked to us by the current monopoly in wine retailing.

**Mr. Hudak:** If you want, you might also have some thoughts to share about the taxation system through the LCBO and the viability of that for small Ontario wineries.

**Mr. Kocsis:** Unfortunately, unless you're doing extremely large volumes, the profit margins provided by sale to the LCBO under their pricing structure are not viable. It's not only a question of access to shelf space but also of viable margins for small craft wineries that produce grapes in Ontario and make wine from 100% Ontario grapes.

**Mr. Hudak:** Do you think it's fair and reasonable—

**The Chair:** Mr. Hudak, your time will expire in about five seconds.

**Mr. Hudak:** —to ask for the government to come up with their agricultural support plan before passing this legislation?

**Mr. Kocsis:** I think that if it takes another two years before this greenbelt legislation is enacted, and that's



how long it takes for the government to revamp all its policies as they affect agriculture, they will do a lot more good for long-term viability and keeping the countryside green than to very hurriedly pass this legislation as it stands today.

**The Chair:** Ms. Churley, you have the next two minutes.

**Ms. Churley:** Are you a poet in your spare time?

**Mr. Kocsis:** I have a lot of time to reflect in my vineyard.

**Ms. Churley:** This is a very poetic submission. Thank you very much as well for outlining some of the problems you're facing. I wonder if you could, because of course there's not enough time—with or without the greenbelt, what are the main priorities that you need to see the government act on right away to help you and all the other farmers in your area remain viable?

**Mr. Kocsis:** I'm very disappointed that I couldn't continue being a primary producer, because my first love is grape farming, and I wish I could have maintained income support for my family from doing that. The biggest help to that would be to allow the growers—whether it be juice grapes or tender fruit—to somehow get, out of the marketplace, at least their cost of production and some sort of return on their labour and investment. As a primary producer, I don't know how that could be done. But certainly, if the government feels that this environmental greenbelt policy is a high enough priority and if there is enough political will, then all the other issues can be bent to at least produce viability on the farm. That would be the first thing.

Certainly the winery issue is a very narrow issue that affects the Niagara Peninsula. I have a large investment in it, both in time and effort and in hopes for my children to continue farming using the vehicle of a small winery to make it viable. There are many things that the government can do—and many things that the government can stop doing—to help us.

**The Chair:** From the government side, Mrs. Van Bommel.

**Mrs. Van Bommel:** You've been in the industry a long time, and you talk about the crisis. How long has this crisis in the wine industry been going on?

**Mr. Kocsis:** I think the genesis of the crisis was the free trade agreement. There were moves set afoot to revamp the production of Ontario grapes to higher quality grapes. At the same time, certain provisions were made for existing players in the market to have their retail stores grandfathered, with the objective of providing outlets for Ontario-grown product. Somehow that objective has been lost, but they have retained these very lucrative stores. The LCBO has expressed no moral or practical obligation to help the Ontario industry, and slowly we're coming under more and more price pressure from monopolistic forces that control—they're our biggest customer, because we can't develop other markets. They're forcing the price down below the cost of production.

**Mrs. Van Bommel:** So basically this has been going on for quite a long time—and the last team didn't do much to help the Maple Leafs win either.

**Mr. Kocsis:** I used to be a Maple Leafs fan; I couldn't understand how somebody from Beamsville could root for Montreal. I'm used to being on the losing side, and unfortunately, as a farmer, you take your licks from the weather and the politicians and the marketplace. I'm here before you to ask you to help us. I don't want to lay blame; I would like you to help us.

**Ms. Jennifer F. Mossop (Stoney Creek):** You made a brilliant submission and have really spoken well to the frustrations you've experienced. My concern, having been out in this area for some time, is that if we lift this moratorium and wait another two years, the indiscriminate paving over of what little tender fruit land remains will continue to the point where there won't be any land, and thus not much need for the farmer either. Is there a way we can do both?

**Mr. Kocsis:** Without getting into something too lengthy, I'll tell you that I farm 55 acres inside the urban boundary of Beamsville. The day this legislation was announced, I had a developer offering me \$130,000 an acre for my land, which was \$60,000 over the value of the land the day before the legislation was announced—I'm also a practising real estate broker dealing mostly in farm and country properties, so I know about values. The only reason I did not sell—and I had an opportunity to sell—is that I felt this legislation is transferring the equity of my neighbours on to lands that are inside the boundaries or within certain future developable boundaries, and I'm not going to profit by stealing the land of my neighbouring farmers.

The only thing that's keeping me from selling is my strong, passionate belief that one day my vineyard will be worth more as a vineyard than as subdivision land. I will work, my children will work and I hope my grandchildren will work to prove that to be true. If you look at land values in California, they are US\$150,000 an acre for productive vineyard. Up here we're at \$30,000 or \$40,000. I believe that if the government gives the industry a chance, we will be the Napa of the north. I'm taking a long-shot gamble and putting my life and my livelihood on it, but leave it to us to save the land and give us the tools to save the land. I will not stay on a piece of land that drives me into bankruptcy, but I will put everything I have into making a living for my children and to pass something on to them that's viable.

**The Chair:** Thank you for your delegation today. We appreciate your being here.

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AUSTIN KIRKBY

**The Chair:** Our next delegation is Austin Kirkby.

Good morning. Could you identify yourself for Hansard? When you begin, you'll have 10 minutes.

**Ms. Austin Kirkby:** My name is Austin Kirkby. I'm a farmer; I've been farming since 1963. I'm also a muni-



cial councillor for the town of Niagara-on-the-Lake; I've been one for—this is my 13th year.

Excuse the prop, but I brought a large map of our farm sizes to show you all that we are unique in our farm size for this area. These are just some pictures of the irrigation channels we have done and two ads from the Liquor Control Board. You can't see it, but up at the very top is our farm, fully planted with about eight and a half to nine acres of grapes.

Thank you for the opportunity to address you this morning concerning the proposed greenbelt legislation. I entered the municipal political field 13 years ago for the same reason I am here today: my overwhelming concern for the farmers and their economic viability. I am the current chair of the town's agriculture and irrigation committees.

Several years ago someone had a vision for Niagara: to create a Napa Valley in the north. Ladies and gentlemen, this is not Napa Valley. This area contains greenhouse, nursery, tender fruit and grape industries, cash crop and animal farms, and our farm parcels are much smaller in size. We should be recognized, supported and celebrated for what we are instead of being put into a position of fighting for our survival.

The greenbelt legislation permanently freezes our urban boundaries, without a commitment of compensation to the municipalities. Who will pay for costly infrastructure in the future if there is none? Someone has used a broad brush to preserve privately owned farmland and designate it as specialty cropland. Has science been used to support this and, if so, where is it? Where is the compensation to those farmland owners who will lose equity because of the loss of retirement lots?

The Niagara region, regional municipalities and farm organizations have all requested that a Niagara regional committee be included as a condition of the adoption of the greenbelt legislation to recognize the uniqueness of Niagara. The town of Niagara-on-the-Lake, in their previous submission, supported the request of the farm organizations that areas identified by them as affecting their economic viability should be addressed as a condition of the adoption of the legislation. I have attached a list. The town also addressed other concerns about how the proposed legislation could affect the ability to construct future farm irrigation projects. The town indicated that 10 years is too long to measure the effect of the legislation.

I would like to address three specific areas: farm size, irrigation costs and farm viability.

**Farm size:** Greenbelt restrictions for specialty cropland call for a minimum farm parcel size of 50 acres. I have included a map showing the farm parcels in Niagara-on-the-Lake. Over 78% of the farm parcels are 25 acres or less. Over 50 % of our wineries are on parcels of less than 25 acres. The Inniskillin winery was started on less than 20 acres by Donald Ziraldo.

Land values are high in Niagara, young family farmers can't afford the financial investment of such large farm parcels, and specialty crops can be profitable on smaller

acreages. Imposing a 50-acre size on this area removes the ability of farmers to restructure their farms to what is common in the area. Is the intent to force family farmers off the land? The town of Niagara-on-the-Lake supports a 25-acre minimum size, which is still larger than the majority of the farm parcels there.

**Irrigation:** Over the past few years, 138 farmers in Niagara-on-the-Lake financially invested in an irrigation system. Growers pay an annual operating fee, including a portion of the cost of a town employee. They also pay an annual capital fee. Infrastructure, including pumps, pipes etc., paid for by the growers, is owned and operated by the town. Costs to the growers alone will have exceeded over \$1 million by 2009, probably close to \$2 million.

The new system has taken almost three years to complete, partly because of approvals needed from upper levels of government. During the ongoing construction of the newest addition to the irrigation system, extra costs were added when one resident from Niagara-on-the-Lake wrote to the Ministry of Culture and requested that additional archaeological work be done. Nothing of significance was found. I have enclosed a copy.

Additional costs have been downloaded to growers by the conservation authority to cover the cost for the maintenance of conservation dams, including insurance.

Drainage ditches are also used for irrigation. Farmers are also assessed a cost for maintenance of these drainage ditches. The provincial government increased our cost of maintaining these ditches by removing the drainage grant. Now members of the public want to restore the drainage ditches to fish habitat. These ditches would be dry most of the year if growers had not paid to introduce water for irrigation purposes.

The Ministry of the Environment is proposing water-taking fees "to cover the costs of processing, evaluating and issuing water permits. Fees will range from \$750 for straightforward new applications and renewals to \$3,000 for those that require detailed hydrogeological information. Most permits are valid for two to 10 years." These permits must be obtained by anyone taking more than a total of 50,000 litres of water a day. The town appealed these decisions and requested that agriculture be exempt. Why do individual farmers have to take out permits when the town already does this for the whole system? Farmers do not irrigate every year. Last year the system did not operate, due to weather conditions. This is just one example of how accumulated government regulations have a disastrous effect on agriculture.

Our family farmed for 87 years. For most of those years we planted and replanted our acreage to keep abreast of changing market demands. This substantial investment was further enhanced by two devastating hailstorms and severe drought.

Today we own only one farm, a 12-acre farm that has eight and a half acres planted. For the last two years we were paid less for these varieties than we received in 1997. In fact, for the last two years, growers received less than 1997 prices for many classes of grapes, even with a short crop. Could you exist on what you received in 1997?



If governments adopted and really supported a Buy Ontario First policy, we would sell more Ontario products like VQA wines. How much does Ontario contribute to help advertise wine from Australia, America, France, Chile, Italy, Sicily and Germany at the LCBO? If governments reduced taxes on wine, perhaps wineries could afford to pay growers more for domestic product. If governments adopted an increased Ontario grape content in wines, it might eliminate future grape surpluses. Wines from Napa Valley, Napa county or the state of California can contain no foreign content. If governments changed the labelling act on wine, consumers would really know what they are buying.

In July 2002, when Mr. Bradley first presented the idea of a permanent preserve, he urged the government "to preserve this unique agricultural treasure for future generations and to do so in a manner which is fair to farmers...." He also stated, "Ontario wines should be 100% Ontario grape, bar none. If there is even one grape from elsewhere in a bottle of so-called Ontario wine, then sorry, it's not Ontario wine...."

Ladies and gentlemen, we are farmers because we believe in our industry and we take great pride in what we do. If our land is important enough to protect to feed the people of Ontario, then surely it is important to ensure the economic survival of those who grow that food. Areas that need to be addressed have been identified by farm organizations.

All politicians, regardless of party affiliation, who support this legislation must take on the responsibility of ensuring those areas are addressed in return for the preservation of this privately owned land. Remember, you can save the land, but without the farmer, what have you really saved? Dirt.

I would just like to take an opportunity to emphasize the frustration of growers. I was presented with this bottle of wine and I was told to give it to the Premier of Ontario. It's a bottle of what's supposed to be Ontario wine. It's actually a bottle that was, I believe, for the promotion of the Canadian Olympic team. If anybody was buying it in the store, I'm sure they would think that it was 100% Ontario wine, and it is not. It could contain up to 70% or 90% foreign content. I would like that presented, by any one of you who would like to do that on our behalf, to the Premier of Ontario.

**Ms. Churley:** I'd be willing to.

**Ms. Kirkby:** Just very briefly, I've included three ads from the liquor control board. This one has 10 bottles: zero from Canada. That one has 10 bottles: one from Ontario. Eight bottles: two VQA, but neither of them is on the front. This is our frustration, and it is degrading to the industry.

Yes, I've spent a lot of time on the wine industry, because right now I'm a grape grower and I think a lot of our problems really are with the grape industry. But I implore you all, anyone who supports this legislation—I've taken the opportunity to include in your package more information than I have the time to present. I have also included a package from my husband, who has been

a member of a farm family that has farmed since 1911—not him, of course. But there is more information in his package. I implore you all, before you vote on this legislation, to read this information that we are all giving to you. It is most important.

**The Chair:** Thank you, Ms. Kirkby. You've exhausted your time with us this morning. We appreciate your being here, and your passion.

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## FRIENDS OF RURAL COMMUNITIES AND THE ENVIRONMENT

**The Chair:** Our next delegation is Friends of Rural Communities and the Environment.

Good morning. Thank you for coming. Please identify yourself and the organization you represent for Hansard. When you begin you will have 15 minutes.

**Mr. Graham Flint:** My name is Graham Flint and I'm representing Friends of Rural Communities and the Environment, otherwise known as FORCE.

Good morning, everybody, Madam Chair, committee members and fellow citizens. First of all, I want to start by just thanking you for this opportunity to contribute to the next stage of this Greenbelt Act's development. We also acknowledge that the greenbelt legislation is but one part of a series of initiatives to improve land uses, policies and procedures. Specifically, we refer to the Strong Communities (Planning Amendment) Act, the proposed revisions to the provincial policy statement, the pending source water protection legislation, the Places to Grow Act and the companion growth management plan, all of which are at various stages of development and public consultation. We feel that each of these separately and together will contribute to more sustainable development within the province.

As I've already introduced myself, I am here acting as the chair and spokesperson for Friends of Rural Communities and the Environment. We are a federally incorporated, not-for-profit citizens-based advocacy group with hundreds of supporters in the communities of Campbellville, rural Milton, Kilbride, Mountsberg, Freelton, and Carlisle. We were formed in June 2004 to protect our natural and built environments in the face of a proposed large-scale, below-the-water-table aggregate development.

We note up front that our organization is not anti-aggregate; it's not anti-road. Indeed, we acknowledge the need for aggregate materials to support the growth of our infrastructure and economy, and we point out that our communities are already home to some of Ontario's and Canada's largest aggregate operations. We do, however, have significant issues with a current proposal that is in front of our communities, for substantive reasons.

We also believe that in addition to representing our communities throughout the resolution of that proposed application, we have a responsibility to promote good government; hence, we are taking advantage of this opportunity to provide input into the broader planning



reform processes and will hopefully improve the situation for all stakeholders in these types of situations.

We have two major themes behind our comments. They are ecology or conservation first, and certainty. We can look to the conservation community for the ecology-first or conservation-first principle. Encapsulated, it basically means that there should be no new or expanded development until a network of protected areas is reserved which reflects the natural regions affected by that proposed development. The Greenbelt Act and the greenbelt plan are an effort to achieve this principle.

Certainty is the second principle—certainty for the aggregate industry, certainty for local municipalities charged with implementing provincial policies and procedures, and certainty for the residents who make the decisions to call these communities their homes for their families and their businesses and are then impacted by the uncertainty that proposed developments and land use changes cause. An effective Greenbelt Act, greenbelt plan and transitional provisions will provide for greater certainty for all stakeholders.

FORCE supports the permanent greenbelt initiative, and the key attribute in that is a permanent greenbelt. We applaud the long-term vision being demonstrated by the legislation and we feel that it is long overdue. The greenbelt is not just about preservation of agricultural lands or natural features; it is about the health of the province and providing an area for sustainable economy growth.

Too often we hear the greenbelt debate being divided as pro-environmental or anti-development. We feel, frankly, that that polarization of this issue is both short-sighted and wrong. Protecting interconnected green spaces is an important legacy for us, our children and our children's children yet to come.

A healthy greenbelt can provide the economic environment where growth and development are possible. Smart growth needs to balance the use of the provincial landscape for growth with the protection of that same provincial landscape for the life-sustaining functions it provides. The Greenbelt Act is not a myopic view of the entire province, but rather a tool to reflect that we need to preserve some areas of our environmental landscape for those life-sustaining functions.

Aggregate developments, for instance, are permitted within the greenbelt, a recognition that aggregate is a necessary resource for our homes, roads, public infrastructure etc. But when you step back and look at the big picture, we see the proposed legislation and plan saying that in these specific areas we must take an ecology-first principle to achieve the balance we require. Any development in these protected areas must be prohibited or restricted in order to achieve a balance in the province overall. The increased protection for sensitive watersheds, provincially significant wetlands, significant woodlots and other natural features is very positive and necessary for the long-term health of our province, both ecologically and economically.

Let me turn my comments back to the issue of our local area, as we believe it is a microcosm of the broader

issue that's at hand here. The proposed development is located on a site within the Golden Horseshoe greenbelt area, part of the protected countryside, and is in fact designated as a natural heritage system and as such afforded the highest level of protection within the Greenbelt Act.

Groundwater quantity and quality issues are already significant in the area and the Amabel formation that is proposed to be mined is identified as both a highly susceptible and sensitive aquifer. Provincially significant wetlands, significant woodlots and several environmentally sensitive areas—ESAs—are present in and around the proposed site. The Bronte Creek headwaters and several tributaries are present. There are habitats for several significant species found on the site and it's a wintering area for local wildlife.

Several residential subdivisions surround and abut the site. Rural concession homes, schools and community centres all exist within a few kilometres. There is an active agricultural economy in the area and crops have been and continue to be taken from fields on the proposed site. The lands are currently zoned for agriculture and conservation management.

I ask you to imagine the community's shock when an application was announced and then formally submitted in September 2004 for a large-scale, below-the-established-water-table aggregate development. By production quantity, this site would be the eighth largest quarry in Canada. Its excavation depth puts it right through the aquifer servicing many areas, including the municipal wells for Carlisle, a community of over 3,000 people. We know provincially significant wetlands are important, and hence the designation. We know that healthy groundwater is critical. Unfortunately, recent history has shown the devastating effects that result if that healthy groundwater is violated. We know that protecting the headwaters is crucial for healthy streams and rivers, and we know that aggregate is important and required for our economic growth. But our local situation is a clear example of conflicting interests and incompatible, conflicting land uses.

The Greenbelt Act and companion plan take a major step toward resolving that conflict by establishing that, for these particular areas, hydrological and ecological integrity and the functions they provide must not be impacted. In short, it says that, for these areas, ecology must come first.

This brings me to the main focus of our remarks today; namely, how the Greenbelt Act will be applied in cases such as the one I've described. To start with, I think we need to take a step back and remember how this whole process was started. It was started by the issuing of a zoning order and then Bill 27, creating a protected greenbelt study area, and this was done in December 2003. These two instruments created a development moratorium in effect until December 2004, now extended to March of this year. So ideally, the greenbelt should exist as it was in December 2003.

What appears to be the major focus of that moratorium was the conversion of lands from rural to urban use, the



greatest source of sprawl that we have. Land uses that stayed in the rural context—namely, land uses that didn't change the land from rural to urban—were not impacted by the restrictions. Aggregate extraction is considered a rural land use.

Currently, the Greenbelt Act would only apply to rural applications made after the date the bill becomes successful. Rural land use applications made before the passage of the bill would not be subject to it or its regulations, yet they can dramatically change the landscape of the very lands the act is attempting to preserve.

It is understandable that a clean, go-forward policy is desirable, but we need to recognize the fact that there are some rural applications that have significant impact on the greenbelt and that they should be subject to its higher standards, particularly those standards dealing with hydrological and ecological integrity.

To return to our example, the aggregate proposal in our area was submitted in September 2004, with preliminary documentation just three months before the original December 16 date for the bill's passage. As the act is currently written, since the application was submitted before the act was passed, it would not be subject to the legislation. Without amendments to the bill or a public commitment to a transition regulation, we could possibly see a new major greenfield quarry, the eighth largest in Canada, being implemented within a natural heritage system of the protected countryside as one of the first developments within the greenbelt, and it would not even have been considered or reviewed subject to the new regulatory landscape; it would have been subject to the previous rules. We do not believe that this is the intent of the legislation.

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FORCE's expectation, and we feel the expectation of the residents of this province, is that the greenbelt legislation, plan and policies will apply to the approval process for all future developments that have a significant risk of impacting the greenbelt areas, future developments being considered all those not currently approved. The options to achieve this could be in two ways: amendments to the act or regulations that go along with it.

In terms of amendments to the act, we could amend sections 22 to 24 so that the bill has an effective date back to December 16, 2003, when the process was initiated. We could also amend subsection 24(4), clauses (b) through (d), to sort of raise the bar of when we consider the commencement of a request as not simply the date the request was received, but when the request was actually decided upon by municipal council or whatever body is appropriate. We could also make amendments to those same sections, but limit the time period as being between December 2003 and the bill's passage. Finally, we could amend the sections such that applications for things like industrial or industrial extractive zoning changes could be subject to the rules. All those changes to the act would solve this problem.

We could also possibly pass prescriptive regulations. Some changes to the act may be required since these

restrictions would be retroactive, but we could put a general provision, similar to the elements of the Oak Ridges moraine, that says that matters or proceedings commenced before the bill's passage that involve sensitive hydrological or natural features should be subject to the act. Or we could scope it down and say particularly that these particular applications—in our case, a Lowndes Holdings zoning and bylaw request of the city—should conform to the policies of the Greenbelt Act.

With these changes, we feel that the legislation can fairly deal with these transitional land issues. These applications have the potential to significantly impact the greenbelt landscape. Failure to apply these greenbelt standards to these applications, in our opinion, would be failing in the first test of commitment to this legislation and failing in the principles of ecology first or certainty.

I thank you for the opportunity to address you with these comments. We are submitting them in writing as well. With whatever time I have left, I'd be more than willing to take questions.

**The Chair:** You have three minutes total remaining, so Ms. Churley, you'll begin the questioning.

**Ms. Churley:** Thank you very much for your presentation. You raised many issues of concern, but the one that hit me was the aggregate issue because it's something that I've been asking questions about in the Legislature and bringing up frequently, with no response yet. You may not be aware, but the expansion of existing aggregate operations is going to be allowed throughout the greenbelt, but the proposed Liberal government provincial policy statement significantly strengthens the industry's ability to grow on the greenbelt lands.

My question to you would be, although there are some minor restrictions, what are you asking the government to do specifically? Take it out of all natural areas within the greenbelt, or what? What is your main recommendation?

**Mr. Flint:** In our specific case, specifically about the issue that caused our group to be formed, we want the greenbelt rules, as the legislation currently is written, to apply. It's a transitional issue. In terms of the broader comments, frankly, there needs to be a balance between aggregate to grow our economy and to build our infrastructure and the preservation of these greenbelts. Our opinion is that a lot of these things need to be looked at on a case-by-case, site-by-site basis. A sweeping black and white, one way or the other, might be more negative than positive.

**The Chair:** The government side.

**Mrs. Van Bommel:** Thank you very much. I'm certainly glad to hear that you will be providing us with copies of your presentation because I'm quite interested in the recommendations that you've made. You've addressed the principles of the greenbelt legislation, but you haven't really talked about the size. Do you think that the greenbelt should be larger or do you think it should be reduced? How do you feel about the concept? It is a draft plan, but how do you feel about the concept?

**Mr. Flint:** To be honest, I don't think our group really has an opinion about the size of the greenbelt area,



specifically. I don't really feel prepared or have done the research to make a comment about that. It needs to be large-scale in size to support the ecology-first, conservation-first principle. As I frame that, it basically says that areas need to be set aside to reflect the environment that's being taken over by development, so whatever that balance works out to be by people who are wiser than I am, that would be the size we'd ask for. Certainly, though, the scale of the greenbelt that's on the table is encouraging to us.

**The Chair:** The official opposition.

**Mr. Hudak:** Thank you, Mr. Flint, for the detailed presentation. I look forward to the written submission as well.

There are two general comments I wanted to make. What we've heard at this committee and what I hear in my riding from farmers is that they find two things particularly galling: When there's a press release from the government saying that this legislation's going to protect farmland, they find that upsetting, and rightly so. It stops any zoning changes, but it's farmers that protect the farmland. It's not government; it's farmers, by their stewardship of the soil.

And when they see press releases that say that it will become a vast rural playground for people in the cities, that's galling as well, because there's a fundamental difference between agriculture and parkland.

Now, if you're friends of rural communities, are you also friends of farmers? Would you support an agricultural plan to make sure farmers continue to farm viably and get a fair price for their product?

**Mr. Flint:** Absolutely, and I can tell you that the Hamilton-Wentworth Federation of Agriculture group or committee is a big supporter of FORCE. We're actually working together on that issue. In my first meeting with them, as we were forming our alliance, I watched that debate go around the table of people who were looking forward to the economic gain of being able to sell their land, but also their role as stewards protecting it for future generations. It's a tough issue for that group to work with. But specifically, the Hamilton-Wentworth Federation of Agriculture is a big supporter of our concerns and would like to see the aggregate operation not approved.

**The Chair:** Thank you for coming today, Mr. Flint, and for your delegation.

#### DUFFERIN AGGREGATES, ST. LAWRENCE CEMENT

**The Chair:** The next group that will be speaking will be Dufferin Aggregates, St. Lawrence Cement.

Good morning. Could you identify yourself, and the group that you're speaking for, for Hansard? When you begin, you will have 15 minutes. Should you leave any time at the end, we'll be able to ask you questions.

**Mr. Bill Galloway:** Madam Chair and members of the committee, my name is Bill Galloway. I'm general manager of Dufferin Aggregates. We are an operating

unit of St. Lawrence Cement. I'm here speaking on behalf of the company. I'm very active in the Aggregate Producers' Association as a board member, and I'm also chairman of the Aggregate Resources Corp., but my remarks today are on behalf of Dufferin Aggregates.

I believe you have in front of you our presentation, so what I thought I would do is just leaf through it and draw my comments from some of the bullets on each page. What we're trying to do with this presentation today is to talk about aggregates as an important asset and resource within the greenbelt plan, and to provide the message that Ontario must manage and conserve all of its natural resources, including aggregate. There's great debate in the press today: Are we or are we not running out of aggregates? In the GTA west, in 2010, we are running out of aggregates—fact, not fiction. So I thought I would talk a little bit about that.

Significant environmental and economic consequences: What happens if you skip over the greenbelt? What are the costs to our communities?

We wanted to talk about recycling and substitutes. It's important that we conserve our resources, but recycling and substitutes are not a permanent fix for or a permanent replacement of primary aggregates.

What it is we're really saying here is that we think that in the original task force recommendations it was very clear that aggregates were part of the greenbelt. There was a balancing provision and a mechanism to make sure that we could protect all of our natural resources, including aggregate. At the end, hopefully we'll have some conclusions and recommendations that the government can move forward with.

As aggregates, we are the building block. We're a component of a \$30-billion construction industry—we're a necessary part of our infrastructure growth—that employs about 270,000 people.

We go where the geology is. That was predetermined by God; unfortunately, that creates an inherent conflict, and is one of the reasons why we're here today.

Not all aggregate is created equal. On page 2, there is a map that points out the Niagara Escarpment and the Oak Ridges moraine. The high-quality aggregate, both the crushed rock and the sand and gravel—those are the locations where this high-quality material comes from for our bridges, for our CN Towers, for our hospitals. It also shows on this map that Dufferin has a point of view, not only because we're located within the GTA, but you can see from the map that we're located well outside of the GTA as well.

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Our message must be that we have to manage and conserve all of Ontario's resources, aggregate being part of it. We're a very rich province. We look to our land uses not only for the food we grow but for the water we drink. We use our minerals every day, for our infrastructure and our economic growth.

When you look at our map, you see that our great rock and our great stone that we have built our economy on over the years are in exactly the same locations where we



have our natural heritage features. The Niagara Escarpment and the Oak Ridges moraine are the close-to-market sources for aggregate.

We're a temporary land use, and we believe that the government must manage and conserve all of the resources and provide the balance. The provincial policy statement that's outlined in the second-last bullet on page 5 says, "As much of the mineral aggregate resource as is realistically possible will be made available to supply mineral resource needs, as close to markets as possible." So close-to-market is vital. It's vital for the GTA, it's vital for our economy and it's vital for our renewal and the maintenance of our cities.

The second map really shows the sources and provides you with a perspective on what happens if you leapfrog the greenbelt, the distance it would take and what the cost would be of bringing aggregate from the Carden Plain, Grey-Bruce and north of the city.

It's a considerable cost when you recognize the fact, on page 7, that over the last 25 years there hasn't been one hard rock licence issued in the GTA west—not one. Over the last 12 years, there has only been one aggregate licence issued, period, in the GTA west, and that was dealing with sand and gravel. It takes over six years—closer to 10 years—to get a licence to allow you to extract. Just as we go about planning for electricity, infrastructure and protecting our natural resources, we have to go about planning for aggregate, because it is a fundamental use within our society. Right now we're not in a sustainable situation as an economy and as an industry, so we have to make sure that we have close-to-market supply available and we have the ability to get new licences.

The results of leapfrogging—you've heard a lot of these statistics before. They're backed up by papers that have been submitted to government. It talks about the congestion on the highways, the incremental truck trips. It really does a comparison and says that if we export the GTA aggregate problem to other municipalities, it's tantamount to doing the same thing as exporting garbage today, and we're desperately trying to find a solution for that. The GTA should be sustainable for as long as possible and not export either the problem or the taxes, the jobs, the economic viability that's within the existing municipalities in the GTA as a result of the aggregate business.

We also recognize that there are environmental costs. More trucks mean more consumption of fossil fuels and more greenhouse gases. We've already seen the impact of the scarcity in the GTA west as prices start to escalate. All of you, along with the municipalities, are actually paying for close to 50% of all of the aggregates that are used in the province.

When we talk about recycling, Ontario has been recognized as a leader in recycling. Is there enough? Should we be doing more conservation? Absolutely. Should we be looking for some alternatives for primary aggregate use, some substitutes? Absolutely. Because conservation is a very important part of the aggregate business.

One of the examples I've cited is Pearson airport. One of our sister companies is the largest road builder and one of the largest constructors of the GTAA airport expansion. We currently have 180,000 tonnes of material that was put underneath the last apron expansion directly as a result of recycling Terminal 1 and the parking structure. As you fly into Toronto, you'll see a massive pile of stone. That's 240,000 tonnes of stone, which we're proud to say has our Dufferin logo on it, that has been recycled and will be used in the further expansion of the Toronto airport.

We support recycling. We sold a million tonnes of product last year to our own internal customer for road building. In addition to that, they used half a million tonnes of recycled material in the roadwork and in their heavy construction jobs. So we would support additional recycling opportunities and we would be thrilled if we could get the permits to be able to do more recycling within our existing pits and quarries. Right now they're in yards scattered throughout the GTA, not only ours but also some of our customers' yards, again primarily the road builders. We're currently involved in a program in Halton region working with glass, trying to put glass into road base.

As a result of the task force, on page 10—our industry participated in it. There were balanced mechanisms within the task force report that allowed us to protect natural heritage and aggregate, to do the balancing, as the provincial policy statement allowed.

If you look at our industry, we're one of the most highly regulated industries in the province. It doesn't matter whether you talk about the ARA, the clean water act, air or dust, the level of monitoring that goes on within the aggregate industry is terrific. We applaud it. And we applaud the reporting we do, because it's all part of the public record, both the municipality and the province, so they see what we're doing. They have the facts as to whether you're a good operator or a bad operator, whether you're following your permits or you're not following your permits.

We feel balance is very important in looking after what we do as an industry and how important we are as part of our overall economy and the community.

Rehabilitation: I've got lots of opportunities to show you what rehabilitation we've done and what the industry has done. It's important to recognize that our rehabilitation can be part of the goals and objectives of the greenbelt. Dufferin, as a company, and the aggregate industry are not opposed to the greenbelt; what we're asking for is balance within the greenbelt, to protect our features, make aggregate available and do the right thing for the economy and the people of Ontario as a whole.

The key for us is, how can we work together? What we would like the government to do in our recommendations is to provide that balance within the greenbelt and to plan more positively for aggregates. We tend to see in the media—and I believe our earlier speaker just talked about the polarization. This is all about balance. It's all about making sure that we have an effective use for our



land. I believe all sectors have been saying the same thing.

I don't agree with the retroactivity. There is a set of rules in place. We should be following the set of rules that existed prior to the greenbelt legislation and the zoning order. When this is put in place, it will change the rules and we will operate under those new rules, whatever they happen to be. But fundamentally, the government has put the principle of fairness in play, put that language in the greenbelt draft plan, and that's how it should remain. We're not associated in any way, shape or form with the quarry that was talked about earlier, but do the science, do the balance. If it lives on its merits, it lives; if it dies on its merits, it dies. That's fundamentally what we agree to.

**1150**

When you look at the provincial interest, we agree the province should be controlling and planning for access for this scarce resource. We see that both ourselves as a company and the aggregate industry should be working with the government to ensure that the rules put in place in the greenbelt legislation around rehabilitation are built into the plan, are appropriate, and are consistent with the goals and objectives of the greenbelt.

I'd like to turn to some of the rehab pictures, very quickly. The map on page 12 talks about all the past quarries and pits. As you move to page 13, this is our existing Milton quarry. Normally, people don't show you pictures of our Milton quarry like this. We do have a mining face, but this is our rehabilitation, both in terms of our lake—all the features have been planted by our Boy Scout program.

**The Chair:** Mr. Galloway, you have one minute left.

**Mr. Galloway:** Thank you.

We've got 50,000-plus trees that have been planted. The ecology is seen on page 15 in terms of not only the physical features but also the habitat that animals and frogs have made their home. You can see that in the Golden Horseshoe, we have vine lands as the after-use of a quarry, tender fruit land, horse farm, agricultural uses. Again, there are wetlands. In the lower right-hand corner you'll see a picture of the escarpment, which is an old quarry.

That concludes my comments.

**The Chair:** Thank you for your time here today.

#### ONTARIO TENDER FRUIT PRODUCERS' MARKETING BOARD

**The Chair:** Our next delegation will be the Ontario Tender Fruit Producers' Marketing Board.

Good morning. Please identify yourself, and the group you're speaking for, for Hansard. When you begin, you'll have 15 minutes.

**Mr. Len Troup:** Good morning to you all. My name is Len Troup. I am the chairman of the Ontario Tender Fruit Producers' Marketing Board. I am one of the senior partners in a fairly large tender fruit operation down near Jordan. It's a family farm. We farm 300 acres of tender

fruit and we pack it and market it, so we play for real. The Greenbelt Act is something that we as individual growers and certainly as a marketing board are very concerned about.

We are concerned that it was brought forward as a land use issue and promoted as such, but it just cannot be dealt with strictly as a land use issue. I've been listening to the presentations by people from the grape industry and I'm going to echo a lot of what they've had to say, because agriculture is agriculture, when it gets right down to it. The crops are interchangeable, and over the years on these farms they have been changed many times. Sometimes a tender fruit grower today is a greenhouse operator or grape farmer tomorrow, and all sorts of other things. It is very important that it be understood that agriculture is not just one commodity or one facet of the thing. When we're dealing with the land issue, we're talking about primary agriculture. That's the heart of the whole thing.

I'm going to run through my presentation. I'd be really pleased to take some questions afterwards.

Thank you for this opportunity, especially as it impacts the tender fruit growers in Niagara. As chairman of this marketing board, I speak for about 600 growers in Ontario, probably 500 of which operate in Niagara and own land and do business in the proposed greenbelt.

Initially, we were told that the greenbelt was a land use issue, and discussion of the many and far-reaching business and financial implications to the farming community, that being the landowners, was rebuffed. Now, after almost one and a half years of discussion, debate and lobbying, we are finally dealing with the real issue, which is viability. This is what it's all about. This refers both to the municipalities trapped in the greenbelt and to the farming community, which is somehow expected to carry on, regardless of real and often government-imposed pressures.

Tender fruit growers continue to support the concept of preserving farmland. We've already been preserving it for 200 years, so I think we know how to do it. As long as the viability of our growers is entrenched in the legislation, we will support a greenbelt concept. Farmers have been and continue to be the primary stewards of the land and will continue to do so as long as it is viable. Remember, and everybody is going to say this: Save the farmer, and the farmer will save the land. Legislation will not save the land. It comes down to people, and if you don't deal with the whole issue, then you haven't dealt with anything.

We offer some ideas that would help make the greenbelt package—notice the word “package”; that's not just land use but the whole thing—more acceptable to the farming community, and I'm going to go through them.

One you've heard before: a Buy Ontario policy. This sounds so simple, but it doesn't happen. Practise what you preach. The Ontario government should institute a Buy Ontario First policy for government-operated institutions and for all government functions. It's just common sense. Many other countries and jurisdictions have long followed this practice.



Monitoring the price of farmland before and after greenbelt implementation: My growers are very concerned about potential devaluation. Government has indicated that they believe that the price of farmland would actually increase, not decrease. If this is really their opinion—once again, put your money where your mouth is—then they should not fear promising to compensate farmers for any devaluation to commercial farmers' land resulting from greenbelt implementation. Don't say it; put it in writing. We want to see it. Farmers are very concerned about their equity being eroded. Remember, these farms often have been privately owned for 50, 100, 200 years. To suddenly have the potential of devaluation of private property imposed on them is not a popular issue.

Fair taxation of value-added on-farm operations: This one we've been fighting with for years. The rest of Ontario agriculture deserves to receive the same treatment as the Ministry of Finance provided to the maple sugar industry. It's not rocket science; it's just a matter of doing it. Do not discourage farmers who initiate value-added operations on the farm and then find that they are taxed to death. If you want people to do these things but then you kill them with taxes, no one is going to do it. A fair resolution to this situation is long overdue. It has been in the courts for years. Just do it. If you can do a greenbelt in two years, surely you can do some of these simple things in two minutes.

Consideration for the lost right to retirement severances: People just blow by this, eh? This is a huge issue. In Niagara alone, it is estimated that the Greenbelt Act would wipe out \$50 million—this is just a wild figure, but if anything, it's conservative—in value if retirement severances are lost. This is a direct loss to farmers' equity—they had it; they don't have it any more—just with a piece of paper. Nobody seems to be concerned except the people who are losing it.

We're suggesting that you create an agricultural investment trust—nice words, but you know what I mean—equal to the total value of all unused potential retirement severances in the greenbelt to finance agricultural infrastructure over a 10-year period. Growers could then apply for funding to make farm improvements. This would be a meaningful reinvestment of this equity that is otherwise lost. It would be reinvested in the future viability of agriculture, equal to the sum wiped out by the elimination of those retirement severances. If you're going to take it away from the individuals, give it back to the industry. But don't just take it away and act like nothing happened.

1200

Strengthening of right-to-farm and trespass legislation to ensure that farmers can continue to use normal production processes without harassment: an absolute must. I heard about the air-moving machines. They hardly get them up and people are already complaining about the noise. If people don't like it, they can move. This is an agricultural preserve, right? So agriculture must predominate. All these whiny, would-be country

livers can just pack up their horse and leave. The last thing we want is for them to be calling the shots. If it's agriculture, it's agriculture, and we need this in legislation. We're getting tired of this stuff.

Amendments to legislation to support and provide incentives for Ontario agriculture: The obvious one is the Wine Content Act, and I'm not going to go there, because you've all heard about it. What you have today is sheer nonsense. You've got an industry; protect it. I don't grow grapes, but I can't believe how bad this is.

Permits to take water: Here we are, many of us have been irrigating, taking water, doing things for years; we try to be environmentally correct. If they want us to be involved in record keeping and that type of stuff, fine, but here they come in and now they want \$750 for each permit. This is nothing but a money grab; this has nothing to do with anything else. That means if a farmer is drawing water out of 10 different locations, and I know farmers who do, the fee for the paperwork is \$7,500. I mean, are you helping agriculture or are you trying to put us out of business? This is another example of government nonsense, and it has to go.

Great Lakes Charter: This is an agreement between the states and provinces surrounding the Great Lakes about the usage of the water. This is probably a very good thing, but what we need is for agriculture to be exempt, because what we take out is eventually going back. We don't want somebody in Michigan telling us that we can't use the water here in Ontario. We just want to make sure it's addressed. I think it might be, but it's on the table.

Harmonization of pesticides with the US: This was promised with the free trade deal I think 14 years ago. In the tender fruit industry we lost 15% tariffs and a whole lot of stuff—we got nothing back—but they promised this harmonization of pesticides. Well, 14 years later they're still working on it; you know how it goes. Anyway, we're getting a little tired of it. This is a federal responsibility, and we understand that. But the province can have a lot of influence, and it's time they put a little pressure on to get this thing resolved.

Research: The research capabilities within Ontario and Canada, which were once world-class and cutting-edge, are being allowed to erode in the name of cost-cutting measures. Examples of this include the drastic downsizing at the horticultural research station at Vineland and the pending elimination of the current horticultural storage lab at the University of Guelph, where facilities are about to be eliminated as they are considered too costly to maintain. There must be a meaningful increase in the government's investment in research infrastructure and delivery capabilities. Successive Ontario governments—so nobody's off the hook on this one; I know you guys like to point fingers, but you all did it—have gutted the Vineland Research Centre. Don't hide under the table; you did it too. This must be reversed. You cannot keep cutting research and expect an industry to stay on top of things and be competitive in the world. Other countries are very heavy on research, and here in Ontario we've pretty well pulled the plug. We've got to get real.



We have a few Niagara-specific issues. The majority of Ontario prime tender fruit and grape lands are located in Niagara. We are unique; our crops are specific to Niagara. Growers here produce high-value crops on relatively small, high-valued lands. For these reasons, we believe that Niagara must in some ways be treated differently from the other areas of the proposed greenbelt. One size does not fit all.

First, the creation of a Niagara greenbelt advisory committee: This doesn't cost anybody any money. We are prepared to put our best people forward to give you good advice so that you just do it right the first time. We would really like you to do that. This would allow the people who own the land to have a say in the implementation and administration of greenbelt policies in Niagara.

The 25-acre minimum for a division of farmland within Niagara: You've heard it talked about already. It's just too obvious. We have small parcels of land. We have high-value crops. We have expensive land that people can't afford to purchase to get started. For all kinds of good reasons, that 25 is much more realistic than the 50, which is just impossible in Niagara.

Irrigation: I've heard it mentioned before. Here in Niagara, we really are going to have to get more and more into irrigation. It will be necessary to stay competitive in the world market. Remember, we are in open competition with the rest of the world. There are no barriers. Everybody in the world can dump their product here in Ontario. Farmers must be provided with the tools with which to remain viable. One of the most integral components is irrigation. Remaining competitive is the name of the game. Regional Niagara, in partnership with the tender fruit, grape and greenhouse industries, is currently conducting a feasibility study to determine the most appropriate system of delivering raw water for agricultural purposes. We have been told that this can be done but, to date, we have not received the cost estimates. This is something that really needs to happen, and I think it will, but in order to make it happen, the province and the federal government should be major partners in this project. We want a commitment that you'll be there when we need you.

**The Chair:** Mr. Troup, you only have a minute left.

**Mr. Troup:** OK. Taxation policies are going to affect the farmers as well as the municipalities, and we think that needs to be addressed. The problem of frozen boundaries and frozen sources of revenue will eventually impact the farmers, and we'll have higher taxes too.

Some of these proposals have a price tag, but many do not. For the greenbelt concept to succeed, these and other issues must be addressed. This issue is far too complex and there is too much at stake to be driven by a four-year political agenda. Take as much time as is needed to address these issues properly and get it right. There's a lot at stake here.

In summary, neither the urban municipalities locked in this greenbelt nor the farmers who own and care for these very special farmlands—and they are special—targeted by this legislation—and we know we're the target. "Greenbelt" is a nice word, but they were after Niagara,

and we know it. Anyway, we should not be required to pay the price for achieving a provincial objective. If society wants a greenbelt, then all of society can pay for it. That's nice and clear.

**The Chair:** We appreciate your being here today.

#### WINE COUNCIL OF ONTARIO

**The Chair:** Our next delegation will be the Wine Council of Ontario.

Welcome. Please identify yourself and the group you're speaking for. When you begin, you'll have 15 minutes.

**Ms. Linda Franklin:** I'm Linda Franklin. I'm with the Wine Council of Ontario. Thank you, folks. We appreciate this opportunity to come before you again today to reassert our industry's support for Bill 135, the Greenbelt Act.

I think the hearings today are particularly timely. I don't know how many of you have had a chance to review it, but Statistics Canada released a report yesterday documenting the fact that Canada's best agricultural land has, in their words, been devoured by urban expansion over the past three decades. The report, called *The Loss of Dependable Agricultural Land in Canada*, provides a pretty sobering reality check for anyone who thinks that this legislation should not go forward immediately. It demonstrates that in Ontario, in 2001, towns and cities occupied over 11% of our prime agricultural land. Meanwhile, the demand for land to be used in agriculture grew as the availability of this land decreased. According to Statistics Canada, the result is that farmers have had to bring lower-quality land into production to meet the demand for agricultural products. As StatsCan points out, lower-quality land is often unsuitable for stable, long-term agricultural production. Moreover, bringing poorer land into production may be environmentally harmful, as it's susceptible to erosion and requires greater use of fertilizers and pesticides.

#### 1210

The Statistics Canada report goes on to state that specialty croplands, such as those in the fruit belts of Niagara and the Okanagan Valley, where there is a land preserve, are particularly vulnerable to urban encroachment, as they have a limited ability to flourish in Canada. Given the importance of these crops to the local economy, Statistics Canada says that the loss of even one square kilometre of these lands is significant.

In the face of this devastating statistical report, it seems to us that the debate is over about whether or not the greenbelt is needed, and it's certainly not a political debate, I would argue. The time to act has come.

Many of you, I think, are familiar with the Wine Council of Ontario. We're a trade association. We represent 60 wineries in Ontario. In 2001, we released a 20-year strategic plan that calls for significant growth in the grape and wine industry. That growth will bring new jobs, new investment and increased revenue, but it's only possible if we're able to preserve these agricultural lands,



because for grape and tender fruit growers the combination of soil and climate that we find in Niagara is rare and irreplaceable.

This has been, we know, a difficult and emotional debate since one of our industry leaders, Donald Ziraldo, raised it several years ago. Today, however, I'm encouraged to see that the debate seems to have moved to a consideration of how best to ensure that the greenbelt works. This is where we believe the discussion should be focused, and we're pleased to offer the committee some thoughts today on sustainability.

We think it's important also that these lands be self-sustaining. If they're not, government has some pretty expensive choices to make, but we think it's quite reasonable to assume it's possible. We have examples in front of us, remember: Napa and British Columbia. There are many places in the world that have land preserves, and there's no evidence at all of anything except an increase in land values when agricultural preserves are put in place.

We spoke just last week to the former head of the grape growers of BC, who sat on their industry's commission when a greenbelt was put in several years ago in the Okanagan. He told us that his land, which lies entirely within the preserve, has increased 10-fold in value since that time. It's now worth \$100,000 an acre. Last year, Francis Ford Coppola paid \$300,000 an acre for land in the Napa Valley. Clearly, scarcity brings value, and that's what we believe will happen here.

Our challenge is to determine what needs to be put in place to help our area make the transitions needed to get to this result, and we'd like to share some of those ideas with you today.

We think, of course, that they have to be consumer-driven solutions, because at the end of the day, there's no point throwing money at us to make more products if nobody's going to buy them. So consumer-driven solutions, we believe, are the best way to go. We think one way to increase consumer interest in the products of the greenbelt is to bring more consumers here to visit. We have a lot of research in the wine industry over a number of years, and what it tells us is that when consumers come down to wine country, they become loyal consumers of our product. We believe that's going to be true across the piece. We believe that if you can bring consumers down to Niagara, show them what we do and what we produce and produce a marketing campaign that drives that message home, you'll get the results you're looking for.

In Niagara, winery tourism today delivers almost 750,000 tourists to wine country. They're also helping reshape Niagara's economy, which is also a good thing. We think, then, that the value of ancillary activities in the greenbelt, such as winery restaurants that source local ingredients, can't be underestimated in developing a model for the greenbelt that's sustainable long-term.

As well, we're working with the region of Niagara right now to develop an economic development plan to help make local communities more attractive so we can bring tourists down to visit wineries and then push them

out into the surrounding neighbourhoods and build tourism and economic development that way.

This is what happens in Napa. It has been very successful in turning their local towns into hubs for tourism. People come to the wineries and they go into the local towns, and those towns are full of terrific restaurants, terrific shops, bed and breakfast facilities and lots of experiential activity. All those things build a terrific local economy, powered by the wine industry, by agriculture and by tourism. We think all of that is possible here with some planning.

We believe, then, that it's important that the greenbelt legislation be clear that wineries are an agricultural use, that winery tourism and agri-tourism in general is defined as an agriculturally related use allowed in the specialty crop areas, and that reasonable expansions of these activities be allowed.

Others have talked about the crucial role of infrastructure in the greenbelt. We would agree. At the end of the day, the requirements to appropriately service tourism in wine country do bring specific challenges to rural communities. Their road networks, particularly those in Lincoln, must be much more extensive and maintained to a higher standard than would be normal in another rural area because of the tourism traffic they support.

As you know, a number of our greenbelt communities are concerned about their ability to maintain infrastructure, given the restrictions that will be put on municipal revenues of the greenbelt. Those communities have been working on ideas to address these issues that we think should be listened to carefully and acted upon, where practical, to make sure we help produce a sustainable tourism product here.

I talked a little bit before about the need to involve the consumer in what we're doing to drive interest, sales and viability in the greenbelt. I think our industry provides a pretty compelling case of what can be accomplished when you have a clear vision, a sound marketing strategy, sufficient funding to execute that strategy and a terrific product.

I think all of you are familiar with those sorts of supports around marketing for the wine industry, because subsequent governments—NDP, Liberal and Conservative—have been good supporters of the Ontario wine industry and its vision over time. As a result, the government has partnered with the industry over many years to develop and fund strong marketing campaigns that have enhanced consumer awareness of our wines and addressed perceptions that stood in the way of people buying our wines. The net result is that we're a healthier industry today for all of that. We couldn't compete, obviously, in our own market against foreign suppliers' heavily subsidized products without that kind of government support.

We believe this is common in agriculture today, and we firmly believe that any strategy for the preservation of agricultural land should be coupled with strong research and a sound, long-term government commitment to partner with agriculture on a marketing plan to build consumer awareness of their products and interest in buying



Ontario products. We would support the fruit growers around this issue of a Buy Ontario campaign. That makes sense to us as well.

For us, of course, VQA is the brand, but we do believe that Foodland Ontario provides another option. It has a strong brand awareness for consumers and we think it could provide a strong element of support for an enhanced marketing campaign. For example, just thinking outside the box, why not showcase fruits and vegetables that are in season when the liquor board does the Ontario wine promotion in September right around the time of the grape and wine festival? Why not allow tastings of domestic wines in grocery stores as part of a Foodland Ontario promotion for fruit and vegetables, combined with recipes? There are lots of things that we could do jointly to start to promote our products universally to consumers, and I think we will build interest.

For us, of course, the other key element is the Liquor Control Board of Ontario. We have a former minister of the liquor board with us today who spent a great deal of time and energy persuading the liquor board to be more friendly to the Ontario wine industry, and a lot of good programs were put in place that have made a real difference. It's been our experience, though, that even while these programs are successful, there's a constant need for government to remind the liquor board that support of the domestic wine industry is critical and is a government priority. The current government has just delivered \$10 million for our future marketing campaign, for which we're very grateful and believe it's very critical. Again, that money will be most successfully executed if the liquor board is also standing behind the domestic wine industry looking for ways to support it.

There's a lot going on with the liquor board right now. There's a current review ongoing of the liquor board. We will be offering, through the wine council, some suggestions and proposals to government to try to increase enhanced support of the liquor board, particularly for our smallest wineries. We're hoping that this panel will also take some of those ideas into account. In turn, we believe that greater level of support will help sustain the greenbelt over the long term.

Finally, we think that if we're going to continue to compete in our home market on any kind of level playing field, we have to find a way to make the series of domestic marketing funding supports permanent for the grape and wine industry. Ontario, as you know, is one of the top export destinations for wine-producing regions around the world, and the vast majority of these regions are heavily subsidized by their home governments. The support provided to the domestic wine industry to date has yielded real returns to the province, because when you sell a bottle of Ontario wine, it produces \$3.88 worth of economic benefit to the province. When you sell a bottle of imported wine, it has a 46-cent value to the provincial economy. The layering on of the greenbelt in that I think makes it more urgent and important that the domestic industry advance and succeed. So finding ways to produce support that's ongoing, that can be counted on, we think is very critical.

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We think there are a lot of ideas as well from the Ontario tender fruit producers that should be supported, and we'll just touch on a couple of them because they've dealt with it much more thoroughly than we can.

Research in particular is an area where government has to renew its focus. I think the tender fruit folks have spoken to that eloquently, but perhaps we can just give you an insight from our industry into why that's so important.

Throughout the world, the wine industry is heavily supported in research. Billions of dollars are made available, particularly in the European Union and the United States, to ensure the health of this industry. Often, that funding support takes the form of research. For example, in the last few years, tens of millions of dollars have been allocated by state and federal governments in the US to fight Pierce's disease and glassy-winged sharpshooters, two pretty serious threats to California vineyards. In contrast, when our industry was facing the challenge of a new pest in 2001, the Asian ladybug, we found ourselves largely on our own in trying to initiate and fund research. It's true what Mr. Troup was saying: Vineland research station, which used to be a terrific resource and would have been in the past for this kind of thing, simply doesn't have the legs any more to be able to do that. This contrast makes it very difficult to compete on the world stage and even in our home market.

To level the playing field, the government desperately needs to reinvest in research for our sector, both federally and provincially. We heard a few weeks ago at a research committee that virtually all of the research that the federal government funds in grape and wine right now is done in British Columbia out of Summerland research station. That's great. We think it's important for our colleagues, but their growing conditions are different from ours, their challenges are different from ours. Some of those research dollars from the federal government need to be repatriated to Ontario.

In addition, the University of Guelph, Niagara College and the Cool Climate Oenology and Viticulture Institute at Brock all have important roles to play in reinvigorating agricultural research, as does the Horticultural Research Institute of Ontario at Vineland. We think the value-added research initiative being developed by the Agricultural Research Institute of Ontario could provide a model for a provincial plan, and we hope that folks will look at that.

We also agree with the growers about the irrigation infrastructure needed. I don't think there's more that needs to be said on that, except that we think that's an excellent initiative that should be thought of. Frankly, if you're going to support agriculture moving forward and being made sustainable, infrastructure is a good way to look at it.

Finally, there's one suggestion that has been made regarding farm viability that our industry wouldn't support because we think it would deliver the opposite result. The Ontario Grape Growers' Marketing Board has argued that the best way to ensure the purchase of all the



grapes in the province would be to raise the domestic content requirements for blended wines labelled as being made from import and domestic content. Right now, our blended wines have at least 30% domestic content, and that requirement is unique in Ontario. Wine regions around the world make blended wines; none of them is required to put a specific content from a specific place in those blended wines. We derive domestic content through our appellation system, through the VQA. All of those wines are 100% domestic content. That's the future of our industry, we believe.

It sounds really easy, to increase the content in our blended wines, but what the marketing board doesn't talk about is that right now our legislated grape pricing system means that our wineries have to pay the exact same price for Chardonnay grapes that go into an \$8 bottle of blended wine as they pay for Chardonnay grapes that go into a \$25 premium wine. No other wine region in the world operates that way. We have been talking with the marketing board about that problem for six years now, but we're no closer to a solution.

**The Chair:** Ms. Franklin, you have one minute left to summarize.

**Ms. Franklin:** Thanks; no problem.

If our grape pricing system doesn't change, then changing the Wine Content Act would just force higher-priced grapes into low-cost wines. It would be the equivalent of asking the producers of Piat d'Or to put high-end grapes from Bordeaux into their wine and pay the same price as the Bordeaux producers producing a \$100 bottle of wine would pay for their grapes. I don't think you need to be an economist to know that that's not a recipe for financial viability anywhere.

The future of our industry, we believe, is not growing more low-cost grapes for our lowest-priced wines. Our future is in planting our scarce grape growing land with high-quality, high-value grapes destined for VQA wines. That's where we're going. That's where our future is.

We think that we can, as an industry, enhance the greenbelt. We're going to provide leadership in areas of development like quality advancement, environmental sustainability and the growth of premium wine production, and we think all of those things will help support the goals of the greenbelt and produce sound environmental stewardship within these critical lands.

With the ideas we've suggested today, we believe the greenbelt in Niagara can and will be economically successful, and we fully support the government in its plan to protect these lands for the future today.

**The Chair:** Thank you for your time. We appreciate your being here.

#### CITY OF BURLINGTON

**The Chair:** Our next delegation is the city of Burlington.

Good afternoon and welcome. Could you identify yourself and the organization you're speaking for. When you begin, you'll have 15 minutes.

**Mr. Bruce Krushelnicki:** Thank you very much. Chair and members of the standing committee, my name is Bruce Krushelnicki and I'm pleased to be afforded this opportunity to come before you today as director of the planning and building department for the city of Burlington to address you on Bill 135 and the proposed greenbelt plan. I have a suspicion that I may be the only thing that stands between you and your lunch, so I promise to be brief. If you find me reading this quickly, that'll be the reason.

**Mr. Lou Rinaldi (Northumberland):** Did you bring some?

**Mr. Krushelnicki:** I'm happy to join you, if you wish.

Bill 135 and the greenbelt plan are vitally important to the city of Burlington. The greenbelt comprises about one half of the land area of the city. The mayor and council of the city of Burlington are well-informed of both the bill and the draft plan and have authorized the planning department, following my report to them of the government's several initiatives, to be involved in the consultation efforts that have been organized as part of the deliberation on the bill and the draft greenbelt plan, including these committee deliberations.

I begin by commending the provincial government on its long overdue re-engagement in large-scale regional and provincial planning. The growth in the GTA and the greater Golden Horseshoe, of which we in Burlington are a part, has proceeded in a way that has made decisions regarding planning, transportation and infrastructure increasingly difficult. As a result of the growth that has taken place, the competition for land between housing, employment, agriculture, conservation and recreational needs, to name a few, has heightened the difficulty of making choices about development applications in municipalities within the regions surrounding Toronto. As a result, the GTA is faced with gridlock, infrastructure deterioration and serious problems coping with unbridled growth.

Burlington has taken a lead in making serious choices about its future that we consider to be in close step with those that the province is taking now. Our official plan promotes the idea that Burlington comprises both an urban and a rural character. This is reflected in a strong urban boundary policy in our official plan and that of the region of Halton that clearly separates areas of settlement along the southern tier from those north of the 403, Dundas Street and the 407, where rural, natural and agricultural areas are protected from development, especially on our escarpment lands.

Burlington also supports the principles of sustainable development, which recognize that quality of life and a healthy economy rely on a healthy environment. The draft greenbelt plan reinforces the city's plans and policies with additional protection for agricultural lands and natural areas, as well as corresponding rural lands. Through consultation with provincial staff, Burlington has offered its advice and assistance in drawing a greenbelt boundary through our community that will essentially follow the urban settlement boundary as established



in the city's official plan and that of the region through official plan amendment 2. There are a few specific locations where the boundary has required detailed attention, especially in the north Aldershot area, north of the 403, and in the east end near Bronte Creek. Based on the consultation with provincial staff, Burlington staff are confident that the location of the boundary in relation to existing and designated settlement areas will eventually be accurately set.

We were especially pleased to learn that, by operation of the bill in its present form, the lands that are part of the Niagara Escarpment plan amendment area—we call this NEPA 71; you may have heard of this previously—will be included in the Niagara Escarpment plan area and will therefore receive the protection of greenbelt legislation and the plan. Although this may seem to be a primarily local issue, as many of you will know, the NEPA 71 lands were slated, and have been slated, to be the subject of lengthy, complicated and potentially very costly joint board hearings, prompted by the challenges of several developers and land owners. This is now removed, and the city and other public authorities are effectively saved the expense of a potentially long and protracted hearing.

Indeed, the general effect of firmly supporting our official plan urban boundary policy, which we regard as a permanent boundary, with the greenbelt plan provisions is that it will save the city from several anticipated challenges to its urban boundaries by developers. The hearings that this issue could have caused are long and tiresome, not to mention expensive.

In this respect, we entirely support the provision that the greenbelt plan be in place without significant amendment for a period of 10 years. This is a reasonable planning horizon that balances permanence with change.

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We also support the proposition that no net loss will be permitted to the area of the greenbelt and agree with the very limited opportunities for appeal.

We also understand that the lands that we refer to as the "gap" lands—and again, you may have heard of these from other participants; these are the lands along the north side of the 407 that were not placed in the escarpment plan—will eventually be in the greenbelt. Our preference has been that these lands will at some time be included in the escarpment plan area, and we are encouraged by their inclusion in the proposed greenbelt. In concert with the escarpment commission, we look forward to the time when the lands are governed by the policies of the escarpment plan.

The resources saved by not having to defend our plans from unnecessary hearings and private challenges at the edges of the urban area means that staff in my department can concentrate on the real challenges that we face now as planners, as we approach the build-out of our community.

These next steps are twofold.

The first is to take stock of the vast potential we have in more efficiently using lands that are now within our urban boundaries. These are serviced by infrastructure,

transit and transportation. For planners, the establishment of the greenbelt will force us to turn our attention to mustering our creative resources to the problems of infill, intensification and the redevelopment of brown- and greyfield sites so as to make the most of areas in which we have already made significant investments.

Secondly, we can now concentrate on policies to both protect and make wise use of the rural, agricultural and natural areas in our municipalities in ways that are consistent with maintaining their character and agricultural productivity, while enjoying the social benefits of open green space.

With respect to the protection afforded to the greenbelt area, we do have some concerns that we would like to convey to you from the city of Burlington. The first arises from the larger issue of the Niagara-GTA corridor, previously known as the mid-peninsula highway.

As you may know, the city of Burlington vigorously opposed attempts to scope the environmental assessment of that project. The corridor, in some versions, has the potential to make another highway crossing of the escarpment, and thus of the proposed greenbelt, in Burlington, depending on the EA process. The city's preference is that major transportation corridors and infrastructure do not traverse the key environmental features of the greenbelt and of the escarpment. Our reading of the bill and of the draft plan suggests that some strengthening of the language would assist in ensuring that important values will be protected during this process.

We are also concerned with the treatment of aggregate resources in the bill and in the plan. Burlington has considerable experience with aggregate extraction arising from existing operations and several forthcoming proposals. We understand the value of aggregate and the balance that the province is attempting to achieve in this commodity. However, we are concerned that the prohibition on municipalities' being more restrictive than the plan may place our existing policies in jeopardy—policies that have been formulated through lengthy processes involving consultation with both the public and the industry.

Along with our regional partners, we believe that we have been careful stewards of the rural area. Based on our experience, we have adopted stringent but necessary requirements for aggregate operations. We would hope that the greenbelt would not have the effect of lessening our ability to manage the impacts from aggregate operations in the interests of the citizens of Burlington.

Finally, it is not clear to us how conflicts between the various plans will be resolved. Our understanding and preference is that in any case of a conflict between greenbelt plan policies and local policies or regulations, the more stringent policies would prevail. There are instances where the greenbelt plan may provide what we regard as a minimum level of protection, a much-needed minimum. However, in cases where we feel compelled by good reason to be more restrictive inside and outside the greenbelt, we are hopeful that the law and the plan



will permit a higher level of local protection based on our own particular and locally determined needs.

Again, we are pleased to see the provincial government providing direction and support to the municipal level in the form of recent planning initiatives, including the greenbelt legislation, the Places to Grow initiative and the many other planning reforms. They are supportive of our own planning documents and will provide clarity and resolution in several areas that had the potential to be costly and uncertain for the city.

Subject to the concerns that we have mentioned, the greenbelt supports our own planning policies and challenges local planners and planning officials to rethink urban and suburban development and to focus on more efficient, more vibrant and more compact urban development forms in the future.

Thank you for this opportunity to come before you.

**The Chair:** You've left two minutes for each party, beginning with the government side.

**Mrs. Van Bommel:** Thank you for your presentation. I certainly want to add our thanks as well to Mayor MacIsaac for his leadership on the Greenbelt Task Force. It was very much appreciated.

**Mr. Krushelnicki:** I'm sure he would wish to extend his compliments to you, ma'am. Thank you.

**Mrs. Van Bommel:** Thank you. You're speaking about having adequate space within your urban boundaries for future growth. How much land do you currently have for that future growth, and how many years do you think that will take you?

**Mr. Krushelnicki:** In terms of greenfield opportunities, we are now developing the last major opportunity that Burlington has within its serviced urban boundaries, in the northeast quadrant. This is known as the Alton village. It will accommodate about 8,000 people and 9,000 jobs on about 4,000 acres. Once that is filled, that's the end of our greenfield opportunities. We will have built out our community to the extent of our permanent urban boundary. That, we think, will happen in the next three to five or seven years.

**Mrs. Van Bommel:** And then you will move on to the brownfield, or are you going to work on that at the same time?

**Mr. Krushelnicki:** We're in the process of very seriously thinking about what it will be like when we have completed the development of our greenfields. There's a transition period toward that, but what it will mean to us is that we have to rethink what we, as planners, conceive of as an urban area and how we will develop and grow as an urban area. We may not grow in extent. We will have to increase densities. We'll have to make better use of infill sites. We'll have to look at brownfield and greyfield sites, as I mentioned, so we'll just make a much more intensive use of the city.

Our population projections for the planning horizon of 15 to 20 years are 180,000. Our present population is about 150,000, so in a sense, we're trying to locate 20,000 to 30,000 people within the existing urban boundaries. That will be an important challenge.

**The Chair:** For the official opposition, Mr. Hudak.

**Mr. Hudak:** Thank you, Chair. Mr. Yakabuski might have a question too.

Bruce, thank you for the presentation. I do mean this with respect, but one thing that greatly concerns me is the imbalance of power and influence. The only appeal mechanism in the legislation as it stands is through the minister himself. Mayor MacIsaac worked hard on this committee, and it looks like he got his way: You're generally satisfied with the mapping and the boundaries.

The mid-peninsula corridor, which you brought up as an example, has been thrown back to square one. We've tossed out four years of hard work, and now we're studying whether the highway is even needed in the first place. It seems elementary that the mid-peninsula corridor would support this government initiative by helping move development to the south and the west.

Other communities here—Lincoln, Grimsby, Thorold—have all brought concerns with the map, how they're being boxed in. They've brought forward concerns about a garbage dump and a cemetery being included as tender fruit land. Burlington made a good relationship and got their way. I don't think small towns here in Niagara are feeling the same way.

What makes it more difficult is that if there are regular hard-working farmers—many here in the audience—they're not going to have a chance to talk to Minister Gerretsen. They're not going to have a chance to go to the right fundraiser and get their appeal. There will be no mechanism for them to appeal their property in a fair, transparent and public manner. That's why we in the opposition are pushing hard for that fairness, for that day in court for people to say, "Show me that science. Show me why I'm in here," because there's no way they'll ever get their five minutes with the minister. There should be a fair and transparent appeal mechanism for fairness. It's easier for the big cities, but for the small towns and the farmers, we have great concerns about the fairness of this legislation.

**The Chair:** If you want to respond, you have 15 seconds.

**Mr. Krushelnicki:** I'm thankful for the comment. Thank you.

**The Chair:** Thank you for your delegation today. We appreciate you being here.

#### NIAGARA NORTH FEDERATION OF AGRICULTURE

**The Chair:** Our next delegation is the Niagara North Federation of Agriculture.

**Mr. Albert Witteveen:** Good afternoon, Madam Chair.

**The Chair:** Good afternoon. Thank you for coming.

**Mr. Witteveen:** Thank you for hosting today. My name is Albert Witteveen. I have been a full-time poultry farmer for the past 15 years. I basically make the majority of my living on the farm. I'm here on behalf of the Niagara North Federation of Agriculture. I'm also a



municipal councillor, outside of the greenbelt, in the township of West Lincoln, so I have different interests in this forum. But I will focus on why I'm here and who I'm representing.

The Niagara North Federation of Agriculture is an organization with over 1,100 family farms. The mandate of the federation is to promote and to protect agriculture in the Niagara Peninsula. Niagara offers the most diversified area of food production in all of Canada, and agriculture has proven to be the economic mainstay in Niagara.

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The directors of Niagara North have reviewed the proposed Greenbelt Act and would like to comment on the draft report.

The agricultural community of Niagara understands that we need to protect our agricultural land base, and we believe we have been team players in the implementation of many programs involving the protection of Niagara's agricultural industry.

Our directors work closely with Niagara region and have completed several studies, including *Securing a Legacy for Niagara's Agricultural Land: A Vision from One Voice*, and the *Regional Agricultural Economic Impact Study*.

The agriculture industry in Niagara generated in excess of \$511 million in gross farm receipts, \$400 million in direct sales, \$562 million in indirect sales and \$832 million in induced sales. Agriculture in Niagara had a \$1.8-billion effect on the Niagara economy. This is something to be proud of. It's here and it's working.

Should Niagara farmlands be protected? Definitely. Should the province of Ontario help protect the farmlands of Niagara through promotion programs, the development of infrastructure and the development of a made-in-Niagara policy? Definitely. Should the farmlands of Niagara arbitrarily be frozen under the greenbelt? Definitely not, unless the conditions listed below are incorporated into the act. Farmers are stewards of the land and will continue to protect the land, providing it remains a viable industry.

The vision of the Niagara North Federation of Agriculture is to produce an economically healthy, secure agricultural industry in Niagara that will encourage farm renewal through a new generation of producers. You can freeze the land but you cannot force people to farm it. It has to be mutually beneficial or the whole industry will die.

One of the visions of the Greenbelt Task Force is to sustain and nurture the region's agricultural sector. Their goal is to enhance quality of life by performing an array of functions across the region, including preserving viable agricultural land as a continuing commercial source of food and employment, recognizing the critical importance of the agriculture sector's prosperity to the regional economy. How will the quality of life be enhanced for food producers in Niagara if you dictate what they must produce on their land? Will there be compensation for those who cannot make their frozen land

viable? If the agricultural land is no longer viable, will it still be preserved? What rights will the farm owners have after their land is legislated? There are too many grey areas in this act that must be clarified before it is passed.

We challenge the government of Ontario to work with the farmers of Niagara. We have the experience and knowledge to make the farmland of Niagara very profitable, but we lack the resources and research needed to reach this peak. We are willing to work with the government in the development of programs that will enhance the agricultural community. Freezing land is a Band-Aid solution to a growing problem. If the government is serious about preserving viable agricultural lands, then help us to produce our products with pride and provide us with the tools to make this land productive and prosperous.

The Niagara North Federation of Agriculture requests that the following conditions be incorporated into the act:

—That the government establish a task force on the viability of agriculture in Ontario and that several Niagara farmers be invited to participate on this task force.

—That the task force complete a baseline assessment of the current viability of farms proposed to be included in the act and monitor the effects of the proposed act annually. This would include the fluctuation of land prices, tax assessments and interest rates.

—That eligible farmers who will lose the right to a retirement severance because of the proposed act be compensated.

—That the land protected under the act is properly defined with a definite boundary, not just land that is categorized as good grape growing land, and that this definition be science-based, not simply based on municipal boundaries.

—That land that is scientifically determined unviable not be included in the protection of the Greenbelt Act.

—That protected farms are able to follow the same best farm management practices that others throughout the province must follow, including the use of pesticides.

—That any and all land declared under the act be classified as vulnerable to road salt, therefore forcing municipalities, regions and the province to follow the code of practice for the environmental management of road salt.

—That research dollars be provided to the Vineland research station so that research can continue in Niagara. It is essential that we continue publicly funded research so that the farms of Niagara can continue to prosper.

—That the budget for Ontario's Ministry of Agriculture be increased to meet the demands of the agriculture sector. Extension services such as crop and livestock advisors, 4-H programs and advisory services have been severely downsized. Farmers must now rely on information and advice from the agricultural supply businesses.

—Irrigation rights must be protected and water taking for irrigation must remain a normal farming practice.



Agriculture must be exempt from the proposed permit to take water and the Great Lakes charter.

—A clear statement that farmlands are not open to public access.

—That there be no constraints on value-added commodities and agri-tourism.

—Consistent application of the Farming and Food Production Protection Act, including a clearly defined dispute resolution process.

—That the long-term economic viability of farm operations be ensured so that future generations can continue to farm the lands in Niagara.

—Municipalities must be compensated for the loss of revenue as a result of the Greenbelt Act.

The farmers of Niagara challenge all levels of government to buy Ontario. Support the farmer, and the farmer will support the economy.

The vision of the Niagara North Federation of Agriculture is to produce an economically healthy, secure agricultural industry in Niagara that will encourage farm renewal through a new generation of producers. This can only happen if the agricultural industry in Niagara remains viable.

As has been said many times today, protect the farmer, and the farmer will protect the land.

**The Chair:** Each party has two and a half minutes to speak. Our first speaker will be from the government side.

**Mrs. Van Bommel:** Thank you very much for your presentation. It's nice to see a fellow broiler producer.

In your presentation, you mentioned statistics about the loss of land in the Niagara area. On Monday, Stats Canada put out a report which says that Ontario has the worst record in terms of loss of farmland. You're saying that we are losing about 15%, and they're saying about 11%, on average. We're also being told that we're moving toward the need for more good farmland; that as farmers, we're actually looking for more farmland to use.

In terms of what has happened in the Niagara region, and as a broiler producer, can you tell me what has happened to broiler producers in this area, the numbers you had at one time and that you have now?

**Mr. Witteveen:** I believe that out of the economic impact study, the feather industry—we'll call them that, because that would include the turkeys, the eggs and the broilers—basically had value equivalent to the wine industry here in Niagara. I guess our greatest challenge is the minimum distance separation from our livestock buildings to the next-closest resident. That has been a challenge, somewhat of our own making. Requesting retirement lots will also encourage that type of conflict.

As a municipal councillor and as president of the federation for probably almost seven years now, I believe that the Niagara region planning department has done a very good job in Niagara, as far as planning goes. I believe that Niagara has been more restrictive in its planning process than other parts of Ontario and has recognized these areas of importance and has worked in a positive manner with the agricultural community. I also

sit on an agricultural subcommittee at the region so I can have input.

I hope that answers your question.

**Mrs. Van Bommel:** You mentioned committees, and your recommendations also talk about having farmers included on the advisory panel. What percentage of the advisory panel should farmers make up, and how would we select those farmers? Should they be selected based on where they come from or based on their commodities? How would we go about doing that?

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**Mr. Witteveen:** The common sense approach would be to have a diversified group of people. As to the number you were asking for, half of the committee, I believe, should be made up of farmers, because it should be who operates the land base. If the farmers operate 60% of the land base, then they should have that representation. I know, through political fields, it's usually representation by population, and that is where the agriculture community is always challenged. In West Lincoln, we're only 12,500 people. We are the largest land base in Niagara. We have one representative on a council of 30 people. That is one of the largest problems that the agriculture community faces throughout the whole province.

**Mrs. Van Bommel:** I understand.

**Mr. Witteveen:** We control—

**The Chair:** Thank you for the answer. The official opposition, Mr. Hudak.

**Mr. Hudak:** My colleague would like to ask a question, so I'll try to be brief.

First, thanks so much for the presentation. I think you're being humble, Albert. You're also a municipal councillor in West Lincoln and a member of the agricultural task force, so very broad advice, and I appreciate all the advice you've given me as your MPP.

A quick question back for you: The grape growers and tender fruit talked about taxation treatment similar to what's been granted recently to the maple sugar industry. Do you think that should be broadened?

Secondly, a comment on the Vanclief-Bedgood report: Specifically, they limit the size of value-operated operations on the farm in their report to 1,600 square feet in size and no more 4,500 hours annually for labour. Do you have any comments on that?

**Mr. Witteveen:** I guess I can speak with a little bit of experience, through you, Chair, to Mr. Hudak. I do have a small retail operation on my farm retailing poultry products and I am being taxed at a farm rate, so there is concern. If everybody is promoting value-added and I have taken that initiative, then I think that would be the assistance, and I guess the assistance through taxation policy would allow me to operate a value-added operation on my farm.

Limiting it to the retail size from the report, it seemed a little restrictive, considering my workweek probably is about 70 hours a week, in a combination of many things. It's very restrictive in requesting basically two people throughout the whole year. There are operations that



demand higher employment at certain times in the value-added. So I believe there is not enough flexibility to make that more palatable.

**Mr. Hudak:** Thank you.

**The Chair:** You have 30 seconds if you want to use it.

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** It seems to me that every time we've had a person from the agricultural industry speak to us, almost unanimously their concern is that if there are not viability support programs for farmers, the government can designate land any way it wants but there's not going to be anybody there farming it at some point in the not-too-distant future because it's simply not going to be profitable for them to do so. Would you feel that viability support programs have to be in concert with this bill, that we can't proceed with the implementation of this bill if those support programs are not in place?

**Mr. Witteveen:** I agree. Being from a supply-managed commodity, that is my support. I'm a business person. I'm not a second-generation farmer. I started farming 15 years ago as a business person seeing an opportunity. I also saw the viability in my industry, being supply management, to give me a cost of production and a return for my investment. That has made me an integral part of the social fabric of my rural community. I am viable. I shop locally. I support locally. If I'm not viable, then I leave. We lose an aspect of our social fabric in the rural economy. So viability plays a very key role.

**The Chair:** Ms. Churley, you have two and a half minutes.

**Ms. Churley:** Thank you very much for your presentation. I'm interested in some of your suggestions. They are similar to others that have been raised.

It seems to me that the greenbelt is just the tip of the iceberg in terms of a whole bunch of other pieces of legislation and government action that impacts on you, like the Nutrient Management Act, the Safe Drinking Water Act, the permits to take water, watersheds, source protection planning, this greenbelt, the rural plan, and I could go on and on. I think I could suggest that that's part of the problem. You feel impacted by those without the resources coming from government and proper consultation. That's one question.

Secondly, you talk about viability, and you have some suggestions. A task force is great, but at the same time there are some things the government should and can be doing right now with you; for instance, bringing back the Niagara tender fruit land program that our government brought in and that was taken away. Just as one example, would you like to see that brought back, along with some other immediate steps taken to help with that viability?

**Mr. Witteveen:** Just on the aspect of being inundated with many rules and regulations, I don't think we're opposed to it; we would just like it to be farmer-friendly. I'm doing on-farm food safety, and that is to show the public that we're doing due diligence to produce high-quality food for our consumers. I don't think farmers begrudge that. It just needs to be farmer-friendly on the aspect of rules and regulations, and a little bit slower

process so that we can feel we're a partner versus it being forced upon us.

On the tender fruit program that your government introduced, I believe there is interest in the agricultural community to bring that back. Some people want to be part of it. It should be a tool in our toolbox of choices about how we would like to see that farmland enter into the future. We don't have one tool to do our jobs; we like a toolbox full of tools, and that would help us. It would create the viability factor for agriculture.

**The Chair:** Thank you for your delegation today.

#### BRAD REIMER

**The Chair:** Our next speaker is Jackie Reimer.

**Mr. Brad Reimer:** I'm here on behalf of Jackie.

**The Chair:** OK. If you could identify yourself and give us your address, and when you begin, you'll have 10 minutes.

**Mr. Reimer:** Thank you. My name is Brad Reimer. I'm appearing here to speak on behalf of Jackie Reimer, who is currently working together with Joanne Cothran to protect the interests of the DiCecca family in Flam- borough.

Honoured members of the Legislative Assembly of Ontario, we wish to thank you for the opportunity to speak at this meeting. I'm a little nervous, so I'm going to stick to my prepared comments for the most part, I think.

We are here to voice our grave concern regarding Bill 135, the Greenbelt Act, particularly as it concerns property in Waterdown owned by the DiCecca family. We admit that we are not here to advance or address any particular polemic or any broader polemic than this proposed legislation and how it impacts this one family. At the same time, we hope that it at least shines as an example of what even Mr. Hudak was referring to earlier, which is that there are a lot of people who aren't being heard or who hadn't been heard when this legislation was prepared. We'd like to add our voices to the many others that have expressed concerns about the, to our mind, autocratic manner in which Bill 135, the greenbelt protection act, is being forced upon the people of Ontario.

The properties owned by the DiCecca family fall within the bounds of concession 4, lots 12 and 13, east of Highway 6 and north of Parkside Drive, as shown on the attached draft greenbelt detailed map. I said for sectors 87 and 88; I apologize. It's just sector 88 on that map.

Under the proposed boundaries of the greenbelt protection act, a grave injustice is about to be forced upon the DiCecca family. These properties have been part of the DiCecca estate for four generations. I would like to add as a sidebar here that they did farm the land for over 80 years, initially with fruit and vegetables and more recently with sod and topsoil, but most of that was in the more picturesque and pastoral days of our past, before big business and factory farming rendered the smaller family farm less profitable, at least such that the current generation of DiCeccas are largely not farmers



any more; they've moved to the city to seek their fortunes elsewhere.

It has been for many years the intention of the older generation of DiCeccas—and the younger generation, for that matter—to develop this land for residential or commercial purposes in the near future, especially as this land is quite clearly strategically located to further the future development of Waterdown. If the proposed greenbelt boundaries are passed as legislation, the property will become drastically devalued, based on the average value of agricultural versus development land in this area.

In addition, there is clear evidence—information that perhaps was not available to the greenbelt committee when they established the proposed boundaries—to support the assertion that Waterdown should and has intended to put this land to urban use in the near future.

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First, the southern half of East Flamborough concession 4, lots 12 and 13—and this is the section from south of the recognized natural heritage system, running east to west through these properties, south to Parkside Drive—are the only lands adjacent to the north side of Parkside Drive between Centre Road and Highway 6 that are included in the greenbelt draft plan protected area. This discrepancy is unfair. One has only to view the greenbelt draft map for sector 87 to see how conspicuous and seemingly arbitrary the inclusion of these properties in the protected area appears. Removing this section from the protected area and designating it as future development land would square off the northwest corner of urban Waterdown.

Secondly, in the year 1995, the municipality of Flamborough approached the owners of East Flamborough concession 4, part-lot 12, designated as 63 Parkside Drive—this is a 97-acre tract of land—and offered to purchase their land. The owners declined the offer at the time because the amount offered was very low relative to what they felt the land was worth in the near future and what the value of development land in that area is. It has also come to light that in 2001 the OMB sent applications to landowners in that part of Waterdown to request inclusion in future development plans, but due to some miscommunication or bias, the DiCeccas or the co-tenants of lots 12 and 13 did not receive that application.

The next paragraph in my presentation talks about how the city of Hamilton's long-range planning and design has at least hinted that these properties are in the greenbelt plan because they have not been serviced with water and sewer lines. They also told us that there are transportation issues, that that area is not very accessible, but this just doesn't make any sense, really, because there is water and sewer running right up to those properties, both east and west, and the properties are right on the corner of a major crossroads, namely Highway 6 and Parkside Drive, so that doesn't seem right.

Finally, it has come to light that the preferred route for the proposed mid-peninsula highway runs immediately to the north of the DiCecca properties and may even cut

across the borders of these properties. So it's reasonable to expect that, if that highway was ever to be built, the property falling between the mid-peninsula highway down to the urban boundaries of Waterdown would be imminent development land.

East Flamborough concession 4, lots 12 and 13, is directly across the street from the new development already occurring in Waterdown. This land was included—and I think this is my main point now—in the area protected by the greenbelt plan without soliciting any feedback or permission from the DiCecca family. We wonder how it could be, in a democratic system of government, that legitimate, taxpaying landowners have absolutely no part in a decision-making process that will ultimately lead to drastic restrictions in the use of their land and an unthinkable reduction in property values.

We request that these properties be excluded from the greenbelt. In fact, we already appeared at the city of Hamilton town planning meeting on December 7, 2004, and formally requested that those properties be added to report PD04172(a), appendix B, as proposed land to remove from the greenbelt. Our request was duly noted and added to that report. Appendix B of that report proposes trade-offs within the inner boundaries of the draft greenbelt plan in and around Hamilton, and addition of this relatively small trade-off would not significantly change the balance of the trade-off proposed in that report. From what I could tell in that Hamilton town planning meeting, Hamilton didn't sound too happy about the proposed boundaries either and is feeling a little strangled by it all. A lot of the development land in Hamilton that is available is apparently on the path that they can't really develop because of the noise from the airport or whatever.

In any case, we are continuing to appeal to all levels of government, insisting that this matter be resolved in a manner satisfactory to the landowners involved. We urge the members of this standing committee to recognize the DiCecca case as part of the growing body of evidence that Bill 135, the Greenbelt Act, has been drafted without even a modicum of input from the many Ontario residents who will be affected by it. It is perplexing that our provincial government is attempting to fast-track a piece of legislation that is so important and has such sweeping ramifications.

I'm not trying to be a smart aleck, but there were a number of other people today who have drawn parallels with what's going on in California, so I have a parallel of my own. I think they're spending more time weeding through potential jurors for the pending trial of the self-proclaimed king of pop, Michael Jackson, than what the Ministry of Municipal Affairs and Housing spent doing public consultations for this legislation. Somehow, it just doesn't seem—

#### *Interjections.*

**Ms. Churley:** You've got them fighting now.

**Mr. Reimer:** Yes. We just think that a lot more people need to be heard. I was being facetious, obviously, but in that case they have this beautiful mechanism



whereby they make sure that complete objectivity is maintained and public accountability is the main issue and everything, but it doesn't seem like there's been any public accountability here at all. At least, when I say "public," I mean people who are going to be directly affected. Thousands upon thousands of people who are going to be affected by this had no voice whatsoever before the legislation was drafted.

In closing and in particular, we believe that the Greenbelt Act must consider not only the future generations of Ontario residents, but also the rights and interests of the current generation.

If I have a couple more minutes, I just want to reflect on what the current generation really wants out of this. I get this vibe that there's been this constant lumping of people like the DiCeccas into the same category as the speculators, who want to just buy this land and then make a big profit off it; probably not even buying it with their own money necessarily but just making a big profit on it. The DiCeccas, while they want to make a profit on their land, don't have a right to do that or whatever.

The current generation of DiCeccas were farmers. Mostly all that's left are just matriarchs. The husbands have all passed on. Even the husbands—my father-in-law is a great example. He was a farmer in Ontario and farmed his land his entire life with courage and conviction. There's a proverb that says, "The wise man leaves an inheritance for his children's children," and that's really all he wants to do. He wants to leave something of meaning to his children's children. When he says "something of meaning," I don't think he means a nice park where they can go and look at all the nice trees and say, "Yeah, that used to be our farm." What he means is that he wants to pass something substantial on to them so they can educate their children, pay for their houses, pay their bills and things like that.

**The Chair:** Mr. Reimer, you have 10 seconds left.

**Mr. Reimer:** I'm sorry, 15 minutes goes by so quickly. I thank you for your time and for listening to me.

**The Chair:** Thank you very much for your delegation.

#### TOWN OF GRIMSBY

**The Chair:** The last delegation before we break will be the town of Grimsby.

**Mr. Bob Bentley:** Good afternoon, Madam Chair, and thank you very much, committee members, for allowing me the opportunity to speak. Seeing as how I'm the last person before your lunch break, I'll try not to keep you too long. I would also note that my presentation here is just a summary of the written document or the full presentation that each of you is going to be given, and there's enough for the members of the committee.

It should also be noted that we recognize that this is important legislation for which the time has come, and it is with this importance in mind that we bring to the committee's attention the areas that we feel require further considered review.

As you know from previous reports such as Places to Grow, over the next 30 years a significant number of residents are going to be moving into Ontario. A large percentage of these people will settle in the greater Golden Horseshoe region, which is one of the fastest-growing areas in North America and is the economic engine of Canada. We need to make sure that we can accommodate this growth and make it work.

A great many of these people will want to call Grimsby home, as we are the gateway to Niagara, which has proven to be a location of choice for many people. Our principal concern in Grimsby is that the legislation, when enacted, not be entrenched with a broad-brush approach, as is presently contained in the Greenbelt Act.

Our growth within the current urban area will now result in a supply of land that will expire in three to four years. Bill 135 will effectively stop the town of Grimsby from designating any additional urban land to accommodate growth, despite the fact that over 20 years ago we serviced our urban expansion. With the advent of the greenbelt plan, all lands outside the current urban boundary will be (1) Niagara Escarpment lands, which are protected by the Niagara Escarpment Planning and Development Act; (2) designated as protected countryside; or (3) tender fruit and grape lands in the greenbelt plan.

The Niagara Escarpment legislation governs a large area of land within this municipality and, while we do not always agree with the policies, landowners as well as the municipality at least have a vehicle by which to appeal for review, provided they undertake to supply a statement of justification for the amendment, accompanied by research material, reports, plans and the like that were used in preparation of the amendment. A vehicle such as this in the greenbelt legislation would, at the very least, put an onus on the landowner and the municipality to prove that the lands the province wishes to protect are, or are not, suitable for tender fruit and grapes.

#### 1310

I must point out that the designated areas in Grimsby do not even allow a review, as contemplated by the legislation. Therefore, we have no place to grow. Our concentration for review provisions would be the area west of Casablanca Boulevard and north of Regional Road 81. This area is serviced by municipal water and sewers and is critical to our drainage plans. The area now encompasses over 200 homes, an elementary school, a sports complex and commercial lands. In addition, the parcels presumed to be tender fruit land are small, non-contiguous parcels, thus not allowing what would be considered viable farmland.

We are aware of site-specific studies by respected viniculture experts who have concluded that the lands proposed to be frozen are not viable vineyards. We also have environment study reports prepared for the Ministry of Transportation of Ontario acknowledging that fruit farms adjacent to the QEW are adversely affected by salt being used as a de-icing agent on the highway. It would seem reasonable that considerate review, based on already constructed infrastructure and reports that in-



dicating the land is not viable—that it become at the very least an area subject to site-specific review in the legislation. We would advocate that considerable study is required, and therefore agree with the proposals of the original Greenbelt Task Force, which recommended that key agricultural lands be identified for protection using science, including considering the criteria and methodology of the LEAR system—the agricultural land evaluation area review—consideration of socio-economic factors such as fragmentation, urban/suburban encroachments and related factors that affect feasibility and viability of farming.

We feel that the area west of Casablanca and north of Regional Road 81 is in keeping with the provincial directive of smart growth by optimizing the use of existing infrastructure, identifying strategic infrastructure investments to support urban growth and development in the greater Golden Horseshoe while protecting the environment and identifying how to pay for infrastructure investments.

The pressure of losing the opportunity to expand the western boundary of the urban area of the town also causes us considerable concern, as the town on its own has a general height restriction of four storeys, to allow vistas of the escarpment that everybody has treasured over the years. To intensify within the existing community, as advocated through the greenbelt plan, will destroy the small-town aura that presently exists here.

The no-growth scenario that will result from this plan will have significant financial implications on the town of Grimsby and the region of Niagara. We feel that economic impact is an important consideration that must be carefully contemplated by the government if it is going to freeze out all growth options in this community. As well, the province must be prepared to provide on-going financial compensation if necessary.

Again, I want to thank you very much. I asked for five to 10 minutes and just wanted to give you a brief overview. The rest of our detailed presentation is at your place.

**The Chair:** We were generous and gave you 15, so if you'd like to talk some more, you can. You still have just over nine minutes to talk.

**Mr. Bentley:** I appreciate that, Madam Chair, but the purpose of my being here today is that I wasn't sure anybody was listening. I've actually had an audience with the minister on two separate occasions personally and with representatives from his office. I made a presentation at the original Greenbelt Task Force. That resulted in my losing another 6,500 acres of land. So I'm not sure that making presentations is a good thing. That's why it was important for me to be here today just to make sure—

**Ms. Churley:** You took a big risk.

**Mr. Bentley:** I did take a big risk, yes.

I want to make sure, if you people are the ones who are reviewing this or making the recommendations, that you know what this actually does to the town of Grimsby. This is the single largest thing that is ever going to hit this town and what it will do to it ongoing if

we cannot afford to maintain our infrastructure which we've already put into the ground. If you're not planning to pay us for that infrastructure or replace the topsoil that the province took a number of years ago and sold around the province, we're sort of at a loss. I was hoping that you would be kind enough to allow me the time. As I told Jennifer Mossop and also Tim Hudak, I'm not sure who gets to make the decisions. Hopefully you are the people who do. I'd be open for any questions.

**The Chair:** We have almost three minutes for each party, starting with the official opposition.

**Mr. Hudak:** Thank you, Mayor Bentley, for an excellent presentation and for all the background material.

At the start, I'd just like to thank all members of the committee for wanting to hear from the mayor of Grimsby and making this possible today. Thanks for hosting us, as well, in this fine municipality.

You make an excellent point. To credit Minister Gerretsen, his staff are all here. They met with Grimsby and they're working hard. The problem I have is that I don't have confidence that the politicians are the right ones to make these mapping decisions. Quite frankly, it's behind closed doors. You referenced the LEAR studies, for example, which have not been made public so you could actually see how the science hits the soil, so to speak.

One thing we've heard at the committee that I feel is a proper approach is some sort of review, whether a peer review or a tribunal that would be science-based, so that the municipality of Grimsby or a farmer in the Grimsby or Beamsville area could have his or her day in court, so to speak, in a clear and transparent process outside of government. What do you think of that sort of approach?

**Mr. Bentley:** I think that would be at least a positive step for sure, because I heard comments that didn't please me when I was with the minister—it didn't come from him but from some of his planning staff—questioning the judgment of our town planners or our view of the viability of the land, when we actually have studies that show it's not viable in some areas. When I hear those comments, I don't really have a lot of trust in it either, and that's why I haven't slept a lot in the last couple of weeks.

I have a number of farmers who have presented their year-end receipts over the last five to 10 years on exactly what the crops are bearing plus what it costs them, and they cannot make a living. I think it would certainly be a positive move to have a review process similar to the Niagara Escarpment Commission, as I mention in here. At least you have an impartial audience that is charged with protecting the environment, and you have to present your case based on fact. I think that's where this should be.

**Mr. Hudak:** You've also been a strong advocate for taxpayers in the sense that if Grimsby is frozen, you're concerned about how you're going to pay for future services in the municipality. Do you want to reinforce that point with the committee?

**Mr. Bentley:** Yes. We have a large seniors population and, as you see, I always say the sun always shines in



Grimsby. It is a temperate climate because of our location with the escarpment and the lake, and it is a little bit warmer. That's why the tender fruit across the region actually flourishes down here. With an increasing population of seniors on fixed incomes and a depleting supply base that's going to be gone in three years, our children, let alone the seniors, won't be able to afford to buy a house in this municipality. They just won't be able to afford it in order for us to try to keep the infrastructure in the ground: the roadways, the water and everything else that's currently there. We wouldn't be able to keep up without increasing taxes more than the price of inflation, because development charges alone don't cut it.

**The Chair:** Ms. Churley, you have three minutes.

**Ms. Churley:** Thank you very much. I'm glad you had an opportunity to come and speak to us today. I was shocked when I found out you weren't on the list, so we're happy that you were available to come and give us your concerns today.

The Wine Council of Ontario made a presentation earlier. Were you here for that?

**Mr. Bentley:** I came in just as Ms. Franklin finished.

**Ms. Churley:** Generally, they're supportive of the greenbelt and are looking for a lot, as most presenters, whether for or against today, are looking for—farm aid and other policy changes to help keep farms viable.

Given that some are calling for this to happen right away—as has been pointed out, Statistics Canada just released a document saying that Canada's best agricultural land is disappearing, and I think Ontario was singled out as being the worst—I'm wondering how you reconcile the municipality in your case. I think you've made some very good points, and others have as well. But then there are others who really want to overdevelop the land—I'm not going to single out any municipalities. So there's the need for overall provincial oversight to protect our prime agricultural land. How do you reconcile wanting, I guess, some special case for you and then dealing with the rest of the province?

**Mr. Bentley:** I guess I would go back about 50 years to when the QEW was actually placed where it is. It was originally scheduled to go above the escarpment. All the tender fruit land is below the escarpment, but the farmers wanted to have an opportunity to get their product to market, and it was built below the escarpment. When that happened, it basically cut Grimsby in half.

**Ms. Churley:** Yes, that's true.

**Mr. Bentley:** We traded off a service road to get north-south access so that half of our municipality could get to the other half across the QEW. When that happened, I think a lot of things changed in the municipality—I was not in government at the time.

**Ms. Churley:** You're kidding.

**Mr. Bentley:** No.

As a municipality we agree with the greenbelt; we agree with the intent of the greenbelt. We just don't agree with the mapping of it. When I see presentations by the wine council or by food and ag. or by the farmers, we need to have—and out of this I hope there is—a concerted effort on all of their parts to co-operate with each

other. If the wine council doesn't support the grape growers, then it doesn't work. If the government doesn't support the farmers and the product with shelf space and those kinds of things in the LCBO, then it doesn't work. We can't do it individually. When I looked at the original list of speakers and I was not on there, I was not pleased. You've probably all read my e-mail as to why I wasn't pleased. It was because of just that: I saw a lot of individual people. There was an agricultural task force in Niagara that put a proposal forward. It identified the benefits of it. It identified things they could do working together, not individually. I think it's a collaborative thing, but we're sort of the result of growth within the province.

1320

**The Chair:** The government side. Mr. Duguid, you have three minutes.

**Mr. Duguid:** Your Worship, thank you for being here today. It was good. We met in the original consultations. Thank you for allowing us to hold this here in your fine city. I'd rather be playing hockey in your arena, I've got to tell you, than sitting here—

**Mr. Bentley:** Did you bring your skates?

**Mr. Duguid:** —but I'm still enjoying it, nonetheless.

I want to assure you that, yes, the minister has been out himself and toured. I think Jennifer Mossop has brought him out on a couple of occasions to tour the lands you're referring to. We are actively looking at it. All the ministry officials have been out there. We've brought in scientists from Guelph to take a look at the mapping, and we are looking at fine-tuning the mapping. That's what the plan is about. Today before us, of course, is the legislation, the framework. We're still working on the plan right now.

Just so you know and your community knows, you have had a very significant impact in terms of getting us moving on these issues. I can assure you that we plan to address all the concerns you have raised in one way or another.

I just want to pass it on to my colleague.

**Mrs. Van Bommel:** Thank you very much. Thank you also for hosting this in your community. Just coming in, I certainly understand the concept of the four storeys. It is a beautiful sight as you come down toward this centre. I certainly enjoyed that.

You talked in your responses about the cost of infrastructure. One of the things I think can be said is that the cost of infrastructure is an issue for all municipalities in Ontario. The downloading that municipalities suffered has caused them to fall behind in infrastructure, and it's becoming more and more costly to do that. I really don't need to tell you—I'm sure you're quite aware—but one of the things we have done as a government is work with our federal counterparts to come up with the Canada-Ontario municipal rural infrastructure fund, which we lovingly call COMRIF. That is intended to help with exactly that particular issue. As I say, it's not just an issue here in Grimsby; it's an issue throughout the entire province. Smaller communities especially have had to try to keep up with the cost of infrastructure in their com-



munities and have struggled to do that since the downloading occurred. I'm sure your municipality will be applying, if it hasn't already.

**Mr. Bentley:** Could I respond, Madam Chair?

**The Chair:** You have 30 seconds, if you want to.

**Mr. Bentley:** Good. You'll see right next door that this recent addition was just completed and the timing of the COMRIF program is probably three years late—

**Mr. Rinaldi:** They were here then.

**Mr. Bentley:** Yes. We haven't forgiven Mr Hudak's government for the \$18-million shortfall we've got because of the downloading when I was on regional council. As a region, I know we're short. However, that's a separate issue.

Dealing with the COMRIF grant, there's supposedly money in there for recreation, for libraries. Our population is 3,000 too many to apply for the 20,000 limit for the library, which we've just opened to the tune of \$5.7 million, I think. This building here was already under construction because of need in the community, and it's \$5.2 million. So we've missed those by a year. I don't know if we can go back retroactively, but I'd certainly love to do that, because right now that's the infrastructure we're going to have to pay for for the next 15 to 20 years, and if you've frozen my municipality, we're in trouble.

**Mrs. Van Bommel:** I'm sure you have some other projects you'd like to put forward.

**The Chair:** Thank you, Mayor Bentley. Your time has expired. We appreciate that you were able to come today.

Mayor Bentley's delegation is the last we have before our break. We will reconvene at 2:15.

*The committee recessed from 1325 to 1416.*

**The Chair:** Could I ask you to sit, down, please. We're going to resume hearings on Bill 135, An Act to establish a greenbelt area and to make consequential amendments to the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Act, 2001 and the Ontario Planning and Development Act, 1994.

I'd like to remind those in attendance that there should be no demonstrations of support for or against any comments made by presenters or members of the committee.

As well, I'd like to caution the witnesses. While members enjoy parliamentary privileges and certain protections pursuant to the Legislative Assembly Act, it is unclear whether or not these privileges and protections extend to witnesses who appear before committees. For example, it may very well be that the testimony you have given or are about to give could be used against you in a legal proceeding. I caution you to take this into consideration when making your comments.

Could I ask anybody who has a cellphone with them this afternoon to please put it on vibrate so that it doesn't disturb any of the delegations.

## TOWN OF NIAGARA-ON-THE-LAKE

**The Chair:** Our first delegation this afternoon is Gary Burroughs, Lord Mayor of the town of Niagara-on-the-Lake.

Mayor Burroughs, if you would identify yourself for Hansard and the organization you represent, and when you begin, you'll have 15 minutes.

**Mr. Gary Burroughs:** Thank you, Madam Chair. My name is Gary Burroughs and I am Lord Mayor of the town of Niagara-on-the-Lake.

Many of you know the town of Niagara-on-the-Lake for our history as the first capital of Upper Canada and for many other firsts, which include the first library, agricultural society, land boards, taverns and the many other amenities that define Ontario society that were developed in Niagara-on-the-Lake. Our clock tower and the beauty of our town are well known throughout Ontario and indeed around the world.

Today, the town of Niagara-on-the-Lake encompasses an area of approximately 50 square miles, much of it comprised of rich agricultural lands, which support its tender fruit industry, horticulture, viticulture and agri-tourism, including 21 wineries. More than 50% of our 13,661 residents live in the rural area, many depending on agriculture. Tourism and agri-tourism, major economic factors in our community, have grown because of the beauty, serenity and heritage values of our town, and today, over three million visitors come annually to enjoy the peaceful, historic ambiance of the town, the Shaw Festival and the surrounding orchards and vineyards.

Niagara-on-the-Lake is, for the large part, a rural farm community dependent on grapes, tender fruit and agri-tourism, and for this reason has been generally following the greenbelt objectives since the 1970s through our own planning policies.

At this time, I would like to thank Minister Gerretsen and his staff for meeting directly with council and for taking the time and effort to fully understand our concerns. It is clear to our council that the ministry does appreciate and has noted the items that we brought to its attention.

The town of Niagara-on-the-Lake is supportive of the vision of the greenbelt draft plan, which provides for a diverse range of rural communities, agriculture, tourism, recreation and resource uses; gives permanent protection to the natural systems that sustain ecological and human health and that form the environmental framework around which major urbanization in south-central Ontario will be organized; and supports agriculture as the predominant land use.

To effectively support agriculture, we must also support farm viability, which includes the farm, the farmer and the municipality. I know that Niagara-on-the-Lake councillor Austin Kirkby has spoken to the panel earlier today and expanded on the importance of this issue, as well as providing practical suggestions on how this might be accomplished. The Ontario Tender Fruit Producers' Marketing Board has also submitted a discussion paper which addresses this important issue.

As I stated earlier, we are supportive of the principles of the greenbelt plan. However, before it is implemented, there need to be some refinements, and we appreciate the opportunity to provide you with our observations and suggestions.



**Mapping and boundaries:** The current boundaries of the plan encompass areas that were not intended to be included and exclude some areas that should be included. It is important that the boundaries of the plan be carefully defined to accurately capture existing urban settlements, environment areas, and actual areas of good tender fruit and good grape lands, which must be determined with sound scientific data. The region of Niagara has already compiled this information for the Niagara Peninsula, and I am sure they would be more than happy to provide any information that you would deem helpful.

Specific to Niagara-on-the-Lake, the existing urban boundaries for our urban centres require some minor adjustments to address situations where the location of the boundary does not make practical sense, and it is important that a mechanism be established to allow for such minor adjustments.

The existing mapping contained within the plan also identifies some of the man-made drainage ditches as fish habitats, which negatively impacts on farmlands by requiring significant setbacks. Municipal irrigation and drainage systems and accessory buildings should be considered municipal infrastructure required to support local agriculture, and therefore should not be subject to the buffer requirements that are appropriate for natural heritage systems.

**Parcel size:** The town of Niagara-on-the-Lake is entirely within the specialty crop designated area, and the greenbelt plan identifies a minimum farm parcel of 50 acres within such designated areas. As can be seen by our map here, 92% of farm parcels in Niagara-on-the-Lake are smaller than 50 acres, and 78% of the farm parcels are 25 acres or less. Over 50% of our existing wineries are on parcels of less than 25 acres. While these are a lot of percentages, it is clear that specialty crops do not require large acreages, and many of the smaller family farms cannot afford the financial investments of such large farm parcels. The council of the town of Niagara-on-the-Lake respectfully requests that the minimum farm parcel be reduced to 25 acres for Niagara-on-the-Lake.

**Financial viability:** The proposed greenbelt legislation has the potential of creating, over the longer term, some significant financial challenges for municipalities located entirely within the greenbelt area. Fortunately, there already exists a model to address these challenges.

The community reinvestment fund, CRF, is composed of adjustments for the farm tax rebate, municipal support grants and our share of the region of Niagara's net local service realignment. The farm tax calculation within the CRF provides specific data on each community. The financial impact for any greenbelt community can then be established using consistent, objective and measurable criteria. We recommend that the term "greenbelt community" be included as an active program within the CRF financial model. The additional CRF grant amount to a greenbelt community would be determined by pro-rating the financial impact of the greenbelt plan over a 30-year period. This is consistent with the province's Places to Grow document, which establishes a 30-year planning horizon for any growth management plan.

**Local advisory committees:** The full impact of the proposed legislation will not be completely known until well after the legislation has been implemented. It is therefore very important that an effective review and feedback system be implemented to address unforeseen negative impacts in a timely manner and to enhance sections which are working well. We recommend that local advisory committees be established to meet annually to provide reports to the minister on the impact and effectiveness of the legislation and to provide recommendations on suggested solutions. We would be most pleased to assist in establishing terms of reference for such committees.

In closing, I would like to provide some further suggestions that will assist in protecting our prime agricultural lands and the continued viability of those who farm the lands.

**The mid-peninsula corridor and Highway 406:** The completion of a mid-peninsula transportation corridor will help to protect the tender fruit and grape lands in Niagara. The increasing volume of traffic on the QEW already negatively impacts Niagara's prime agricultural lands, and any widening of the QEW corridor will significantly increase this negative impact. Both the completion of the mid-peninsula corridor and the expansion of Highway 406 south to Port Colborne are necessary to relieve pressure and to encourage development south of the existing prime agricultural lands.

**Pesticide harmonization:** Challenges exist for both tender fruit and grape growing in the registration of necessary pesticides. Because of the relatively small size of our market, the provincial and federal governments need to take the lead to ensure that the supply of necessary pesticides, mostly from the United States, is both available and up to current standards.

**Vineland research station:** It is very important that the province reinstate its investment in and commitment to the quality research done in our area. In a year when as many as 300,000 peach trees may have to be removed due to plum pox virus, it is obvious that viability may well be dependent on continued research and development programs.

**LCBO:** We believe the government should be playing a major role in supporting the grape growers and the wineries through shelf space and other creative promotions through LCBO outlets, at least in the greenbelt areas. This has to be a concentrated effort, including a review of current store personnel bonusing procedures. Buy Ontario must become the rule for all levels of government and, while not specific to the LCBO, government should review and update the wine content rules.

**Irrigation water:** The provincial government must play an increasing role in both the accessing and financing of water for agricultural purposes. Niagara-on-the-Lake, with its private member's bill, has converted many drainage ditches for use with irrigation water, and the supply of this water must be protected.

**Zero salt replacement:** As we strive to protect the viability of farmland in the greenbelt, we must consider



all remedies available to replace salt with products that do not negatively impact our agricultural lands. While the additional cost of using appropriate salt-free materials on our roadways may seem small, it should be the responsibility of the entire province to pay for the protection of our farmlands.

This concludes my presentation. Thank you for your attention and the opportunity to speak.

1430

**The Chair:** Thank you, Mayor Burroughs. We have about a minute each, beginning with Ms. Churley.

**Ms. Churley:** Thank you very much for your presentation. I don't know if you were here this morning, but there was a lot of talk about the LCBO, the fact that it's doing a review, which is a perfect opportunity to review some of the things you're talking about, and we'll be pushing for that. It's also another good reason that I think it should stay in public hands, because if it is privatized in any way, that would eliminate that opportunity.

I wanted to ask you, because it's one of my pet peeves, about salt. I know you mentioned a lot of things, and I support you on that. What kind of harm it is causing to you—

**Mr. Burroughs:** In Niagara-on-the-Lake, we are in the process of preparing a voluntary salt plan. We do restrict, on roads owned by the municipality, to a blend of 15% salt-to-sand ratio. However, the region, which also has roads in our community, has their roads to a higher standard, which means more bare, more salt. The damage is consistent and quite visible to both vineyards and tender fruit. You can see the die-off as we move out from the roadways.

There is a product now, called something-Zero; I don't have the exact name—

**Ms. Churley:** Yes, I've heard of it too. I know what you're talking about.

**Mr. Burroughs:** I would love the region to use that on their roads, and we would try to use it. But it is an additional expense, at a time when we're struggling with budgets. That's why I'm suggesting the province might help out.

**The Chair:** From the government side, Mrs. Van Bommel.

**Mrs. Van Bommel:** Thank you for your presentation. Certainly Niagara-on-the-Lake is particularly attractive. I visit it annually with friends of mine. We go up into the Niagara region for the wine tours, and we certainly enjoy at least one day in Niagara-on-the-Lake.

You mentioned local advisory committees. I asked a presenter this morning the same question, but I'd like to hear from you what you think the composition of an advisory committee should be. How many should there be, in what percentages should certain groups be represented, and who should be on it?

**Mr. Burroughs:** I think there should be good representation; I don't have a number. It should include some politicians, but more people involved in agriculture. The politicians can bring the political side to an issue and try and understand the needs of the province when we're

bringing anything forward. But I think a wide representation, and only one committee for the entire Niagara region, for example, not individual municipalities: We'd never get anything done.

**The Chair:** For the official opposition, Mr. Hudak.

**Mr. Hudak:** Thank you, Your Worship, for an excellent presentation. In fact, the advisory panel is not even mandatory in the legislation. We certainly think it should be, and we'll be looking at an amendment to bring one forward for Niagara as well, which is so directly impacted by this legislation. Actually, you addressed very well the four fatal flaws that we've brought up: the lack of a farm plan; the lack of an infrastructure plan to go with it, like the mid-peninsula and the 406; support for greenbelt municipalities, as well as making sure this is science-based.

You've done some homework here and actually come up with a formula for a greenbelt community. How would you calculate the difference between what they should be receiving under the CRF as opposed to what they will receive if there's not this designation?

**Mr. Burroughs:** That's a very good question that I was hoping somebody would ask. We've done the calculation. When it was changed in 1999, a portion is allowed, because the farming community used to pay the municipality and then the province would pay the farmer. The difference in that is included in our CRF funding, and the portion that Niagara-on-the-Lake gets, in current calculations, is \$191,000 that relates to the farm rebate. Based on the actual calculations for last year, it would be \$262,000. We only get 17 cents on the dollar in our municipality. However, you can take that forward. The regional portion that's paid by Niagara-on-the-Lake only is just under \$1 million that the region does not get because of this change in program. Even if you took off the education formula in the original calculation, it would only be about 25%. So it's still about three quarters of a million dollars that the region does not get because of Niagara-on-the-Lake and the farm tax.

It's very easy to calculate. Being an accountant, I like to be able to get something to apply: What would the project cost, how do we calculate it, and how are we consistent? We've done it in Niagara-on-the-Lake, and those are numbers that can be expanded.

We would also suggest that because it's only a \$70,000 difference for the municipality, there might be a multiplier effect of three, four or five that would make it a reasonable number.

**The Chair:** Thank you, Mayor Burroughs. Thank you very much for your delegation. We appreciate your being here today.

## TOWN OF LINCOLN

**The Chair:** Our next delegation is the town of Lincoln.

Good afternoon and welcome. Thank you for coming.



**Mr. Bill Hodgson:** Good afternoon. Thank you very much for allowing us to make a presentation once again to the committee.

**The Chair:** If you could identify yourself and the group you're speaking for, when you begin, you'll have 15 minutes.

**Mr. Hodgson:** My name is Bill Hodgson and I'm the mayor of the town of Lincoln. I guess it's not quite a year ago that I was able to speak to the whole committee. Since that time, I've had a wonderful opportunity to speak to the Chair and several of the members. This is an ongoing work in progress, and I understand that.

My handout today is the package that our town prepared, which is quite detailed, with commentary that we have forwarded to the ministry in order to make comments and suggestions that we think are useful and helpful in terms of the greenbelt plan. Today, however, there's a single, double-sided sheet that I wanted to speak to, which addresses the act specifically and the enabling legislation. I'm trying to be as helpful as possible. The sheet is short. From my point of view, I think it's sweet. It actually asks for one definition and 40 words to be added to the act. I actually believe that with that brief modification, many of the issues that have been raised and repeatedly brought up through all of these very lengthy consultations can be addressed.

I think acts are intended to be precise. They're intended to deliver on the hope and the promise that the act is intended to achieve. I hope you will take that sheet back. I don't expect to have a sudden and dramatic switch in people's views; however, I hope you will have the opportunity, as you continue with your deliberations in moving the act forward, to be able to deal with each of those 40 words and the one definition.

I'll draw your attention to it. It's just presented in the order in which the act is organized. What I'm asking is that you add to the definitions and interpretations in this act one definition, and that is "greenbelt community." The definition reads: "'Greenbelt community' means a municipality in which urban area boundary adjustments are either completely or largely restricted by the greenbelt plan established under section 6."

It really speaks to the issue that there are consequences for the limiting of growth opportunities that is a consequence of the implementation of this act, and I would just ask that it be considered. Actually, I'm not all that crazy about making up definitions, but we truly need to have "greenbelt community" defined and embedded in the act.

1440

I'm not going to go over, word for word, the other suggestions, but I'm going to try to provide a bit of context for it; I know our time here is really short. No one involved in the greenbelt file over the last year of consultations, that I'm aware of, has said that the viability of agriculture is peripheral or unimportant to the success of the greenbelt, so I'm asking you to please reference it in the act. I don't see it anywhere. In fact, on the back of your page you'll notice that I'm suggesting

that you add to subsection 6(2), "The greenbelt plan may set out policies with respect to the areas ... including policies to support the long-term viability of agriculture in the greenbelt." It doesn't mean spending any money; it just tells all of the people involved in the farm business in the greenbelt that we need to address it one way or another, and there is a multitude of tools provided in the act for the minister to actually address the issue.

In the past year, I've had discussions about the idea of greenbelt communities with ministers, with the chair of this committee, I think, and members of the committee, and as far as I understand, when they hear about the unique circumstances of government-created permanent small towns in the Golden Horseshoe and about the fiscal and economic development challenges of these towns, everyone has acknowledged that the case is substantive and real. So I guess I'm here today to ask you to please reference them in the act.

You'll notice that I'd like to try to extend the objective under subsection 5(b). The original objective reads, "to sustain the countryside and rural communities." I simply want an acknowledgement of the reality, and the reality is that it should then read, "to sustain the countryside, rural and small-town communities," because those towns are involved here, and I think it's important that we preserve them. So please reference them in the act.

The principles of transparency and accountability are the expectation of the people of Ontario, and it is the responsibility of this committee to ensure that these principles are embedded in this legislation.

I'm going to revert for a moment to my old role in the education field. We used to drive taxpayers' coalition members crazy in the education system because we would advertise free adult education. We used to have, apparently, free use of the gymnasiums. Well, I think we were set straight. It simply never was true, because it wasn't free; we just didn't acknowledge who was paying for what. That has been deemed, I believe, over the last several years to be an unacceptable practice by the people of Ontario. Well, after all of these hearings, after all of the presenters, I think we all know that there is no such thing as a free greenbelt either. It's the responsibility of this committee to enable the public to know that.

Just with these 40 words, by changing a word like "may" into "shall," we know then that it will be done, that it will be acknowledged. There's not much heavy stuff here, it doesn't commit much, but it does commit to the principle of looking at the costs attached to the greenbelt.

As a community—I'm speaking now for the town of Lincoln, and I think it extends to quite a few municipalities that are involved in the greenbelt—we are still very uncertain about the extent to which others understand—in some cases, whether they care to understand—the nature of our greenbelt town, the nature of farming in Niagara and the nature of our vision for the future.

I'm asking you today, with these 40 words, to replace just a bit of the uncertainty for the people who live and work and operate businesses here with assurances that



the past year of consultations has been useful. The current minister and his personal staff, this committee and everyone involved on this file have worked very hard to understand what I'm referring to here. I know they have, and it's much appreciated. We are spending extra time to understand.

However, unlike greenbelts, ministers, governments and even ministry staff with the responsibility for the greenbelt file are not permanent. All of this work to understand that greenbelt communities are important and have special challenges presented by this act, and all of the work that has been done to establish that the viability of agriculture and the nature of agriculture in the greenbelt are special and critical to a successful greenbelt could be lost. It's also fundamentally unfair to the people who have worked so hard to have to start all over at square one if the players change. So here I am, asking you today, once again, to enshrine, embed in the act just an acknowledgement that these concepts are important and crucial to the success of the greenbelt.

Today, we are talking about enabling legislation, and I'm asking you to enable our farmers to feel that their business is more secure in the greenbelt than outside of it and not simply more tied up in regulation. That's a big leap that they're going to make, and they can only make it when they have the assurance that all the hard work they've done to express the intricacies of their business in an economic world is somehow embedded in the legislation.

I'm asking you to enable the mayors of the greenbelt communities to tell our residents that the government of Ontario acknowledges that this legislation can have an effect, that it can possibly have the effect of disrupting local, long-term fiscal planning for infrastructure renewal. You've heard it; it has been documented in the thick document that we presented to the ministry. We've made suggestions, as did the Lord Mayor of Niagara-on-the-Lake, regarding how you might address that, but what we would like to have is some acknowledgement that issues do exist.

There are also issues about escalating market value assessment increases, disrupting demographic trends and putting pressure on existing facilities and services, and on and on and on; you could just go on. But that doesn't have to be your focus; we just want you to acknowledge that these things exist and will exist with the implementation.

Also, there are the administrative costs of implementing the greenbelt. Municipalities and, I think, most people are really quite pleased that we're not talking about the development here of a huge bureaucracy. I think there's great wisdom in that. However, that doesn't mean that the costs of administering aren't there. I don't think these are huge costs, but somehow they need to be taken into account.

1450

Finally, I am asking you, through one definition and 40 words, to enable all of the people of Ontario to have a meaningful way to contribute to a successful greenbelt. I

am absolutely convinced that the vast majority of Ontarians think a greenbelt is a great idea. I just think that everyone should have an opportunity to understand—this is where the transparency comes in—that there are some costs attached. It's worth it. I think it actually enhances the value of the greenbelt, enhances the idea of extending the greenbelt some day and using it as an effective growth management tool. But people won't put any value on it if they're not investing in it.

I'm going to leave my presentation there. Once again, I would ask that the committee at least take an opportunity, some time in the future before the act is moved forward, to perhaps go over those few suggestions I've made. I appreciate the time here today.

**The Chair:** Mayor Hodgson, you've left about 30 seconds for each party, beginning with the government.

**Mrs. Van Bommel:** Thank you very much, Mayor Hodgson, for a very well-thought-out presentation. You talk about policies that would support the long-term viability of greenbelt communities, and also, in a separate clause, you denote the long-term viability of agriculture. What kinds of policies would be included in that? Do you have any concept of what things should be included in those policies?

**Mr. Hodgson:** Rather than me going through the long list, I think you're going to have presenters today, and maybe you have already, who are involved directly in the industry, and they're going to express to you a number of areas.

My suggestion here really is not to commit to any specific expenditure, any specific plan. Rather than having the word directing that the minister "may," I want it to say that the minister "shall" coordinate the activities of a number of ministries. I don't think it's necessary for me to provide more details of the nature because, quite simply, this minister, through coordinating—once compelled to coordinate, by the way. It's interesting. In the last few weeks I've had ministers express surprise about what might or might not be in the COMRIF grant, for example. I know how big government is and I know how difficult it is to coordinate action. But a greenbelt involves so many layers, and this is the way it's described by the ministry staff.

**The Chair:** The official opposition for 30 seconds.

**Mr. Hudak:** Thank you, Your Worship. I think this is an excellent, very thoughtful and very passionately delivered presentation. I'm proud to have you as one of the mayors in my riding. Good job.

I want to say to you that we will bring forward amendments very much like this. We'll check the legal language. Hopefully, we'll have support from members opposite, who are saying it's a great idea.

Perhaps through you, Chair, to members of the municipal affairs staff, for information purposes when we bring this amendment forward, could we have a list of the populations of the lower-tier municipalities that are included in the greenbelt area, and the approximate proportion of their land in the greenbelt area, as well as the proportion of the land in the specialty fruit area? That



would help us define what a greenbelt community is and how it should be treated.

Thank you, sir. Well done.

**The Chair:** Ms. Churley?

**Ms. Churley:** Thank you very much for your very thoughtful and helpful presentation to the committee today. Because there's no time, I just want to tell you that I have a whole package of amendments, hoping to improve on the greenbelt, some of which you raised today. One in particular I want to tell you about is that I intend to move an amendment that includes a reference to farm viability within the greenbelt. I think that will become a pretty major part of the discussion as we move forward with this.

**The Chair:** Thank you very much, sir.

### NIAGARA GATEWAY ESTATES

**The Chair:** Our next delegation is the Niagara Gateway Estates.

Welcome. If you could identify yourself and any of the others who will be speaking today and the group that you represent, when you begin you'll have 15 minutes.

**Mr. Ron Kanter:** Thank you very much, Madam Chair and members of the committee. With me are Greg Hynde, a land use planner, and George Markovich, one of the owners of Niagara Gateway Estates. It's owned by a number of family groups who live in the area, primarily in the Stoney Creek riding, some in the Brantford area, where I was born. They are with me to answer any questions, but I will be making the presentation.

**The Chair:** And you are?

**Mr. Kanter:** My name is Ron Kanter.

The lands we are talking about are shown in a brief that is about to be distributed to members. When you get it, please turn to page 2. Part of the Niagara Gateway Estates is occupied by an auto wrecking yard. It's known as Bamford and Lampman Auto Wreckers. Part of the land is vacant. The topsoil was removed some years ago. It is surrounded by residential and commercial development: to the north and east, by serviced residential subdivisions; to the south, by a commercial car dealership, a motel and an RV storage yard. So this is not a pristine greenfield site; rather, this is an urban pocket. This is really the hole in the middle of an urban pocket.

We are requesting that your committee give consideration to exempting this land or that you recommend to the minister that he exempt this land from the greenbelt designation, as you can do in section 3 of the legislation you're looking at, and we're doing that for five reasons.

First, and most clearly, I don't think the government intended to designate an operating auto wrecking yard as part of the greenbelt. It doesn't make a lot of sense. We are asking that the government exempt this site from the greenbelt. Second, an exemption would be consistent with the objectives of the greenbelt plan. Third, it would utilize the existing service capacity in the area. Fourth, it would respect Grimsby council's position. Finally, it would recognize the fact that our application was submitted well in advance of any of the greenbelt legislation.

I do want to draw your attention in a little more detail to the auto wrecking yard shown on the left side of schedule 2. We've also provided some pictures of an auto wrecking yard. I don't know how many of you have had the pleasure of walking through such a facility. We've initially provided them in black and white; subsequently, I think they have a little more impact in colour. If you take a look at photos 1 or 2 or perhaps 9, they show the staining and contamination on the site. The concern is not just the current situation but the potential for leakage to nearby creeks. It's not just what you can see; it's also what you can't see. The applicants have retained experts to do studies, and the phase 2 studies show that the soil currently exceeds the maximum limits allowed by the Ministry of the Environment for residential parkland use.

You might ask, "What does all this have to do with the greenbelt designation?" Well, our applicants have submitted a plan to remove the auto wrecking yard, remediate the auto wrecking yard to residential or parkland quality, and develop some housing on the site. Of course, they could not do this unless it was totally remediated. If the lands were to be designated as greenbelt, the existing use could continue and expand.

Secondly, we have looked at the agricultural potential for the site. As I've said, the topsoil has been removed. A study has been done by a gentleman with a lot of degrees; I hope I have them all right. He has a B.Sc. in agriculture and an M.Sc., he's an agricultural engineer, and he also has a bachelor of education. I think I left the bachelor of education off the list of degrees in this document. He says very clearly that the soils do not have the capacity to support either tender fruit production or premium vinifera grape production. Exempting the lands from the greenbelt will guarantee that the current brownfield site will be eliminated and cleaned up, resulting in a cleaner environment for the gateway.

This site—and I think I neglected to mention it before—is at the very gateway. It's the first site in Niagara region and the town of Grimsby on Regional Road 81. Hamilton is to the immediate west, and then the Niagara-Grimsby border. This is the very first thing people see. We talk about a gateway to Niagara. The first thing they see is the fence around an auto wrecking yard, with the cars and trucks kind of poking up over the fence. That's literally what they're greeted with.

### 1500

The other aspect of this site, which perhaps people are not aware of, is the fact that the site is currently serviced, that is, services can be extended from the residential subdivision to the east. It is our understanding that Niagara region, which is responsible for the water and sewer main in this area, has recently upgraded. They've spent a considerable amount of money to upgrade the trunk water main to service the west end of Grimsby. I notice that there are schools, soccer clubs and various municipal facilities there in addition to hard services, but the region has provided water and also sewage. They've decommissioned the lagoon where some sewage was formerly dumped; they've upgraded pumping stations;



they've upgraded the sewage treatment plant. Our clients have retained consultants who advise that there's sufficient capacity to provide municipal water and sewers, and the region of Niagara agrees. I know that the government—not necessarily the Ministry of Municipal Affairs, but Public Infrastructure Renewal—has emphasized the importance of redeveloping brownfield sites using existing infrastructure.

The fourth point: This application has the support of the town of Grimsby. The council specifically supported the development of this site in May 2004. When they did so, an article appeared in the local newspaper. It's attached to schedule 3 of our brief. As you may be aware, development is not always greeted with open arms, but I think the tenor or tone of the report was very positive. An auto wrecker's site will become a subdivision; cleanup costs will be the responsibility of the developer. I think this was viewed generally with favour. There were the usual concerns about traffic and parking and that kind of thing, but by and large this application to develop the site was viewed favourably by local residents.

Lastly, the applications were made a long time ago. They started with Mr. Hynde in 1998. An official plan amendment was made for most of the site in December 2001. Applications for an OPA and rezoning and plans of subdivision—all those land use things that land use lawyers and planners do—were completed in November 2003. In other words, we are asking that, if for no other reason—although I think there are many other reasons—this application be exempt from the greenbelt plan because of its grandfather status.

In conclusion, Madam Chair and 'members of the committee—I said I had five points—we would ask you to ask the minister to look at this site. Because of the particular characteristics of the site—the fact that there's an auto wrecking site on part of it—there's no other cultural capacity. It doesn't really take an expert to tell you that you're never going to grow grapes or tender fruit on this site. It doesn't meet the criteria to be put into the greenbelt plan. It should stay out. As a result of staying out, our clients have undertaken to remove the auto wrecking yard, clean it up and make it a much more attractive and environmentally sound site. I know you've got a difficult task in considering many sites. It's one of the few cases I can think of where I believe that exempting the site from the greenbelt will make it greener than putting it in.

Those are my comments, Madam Chair, and I will certainly take questions if there's any time.

**The Chair:** We have about two minutes for each party, beginning with the official opposition.

**Mr. Yakabuski:** Thank you very much for your presentation and for joining us today. When the minister spoke to us the other day, he talked about all the good science that was used to map this greenbelt area. I guess when they were flying over this area, all those cars must have been painted green that day or something, because I just can't imagine how they could have missed it. We're just saying that this is another example of how there's

such flawed planning involved here. This was all about polling, not planning; about politics, not protection and people.

This is why we think there's an absolute necessity to have a proper appeal mechanism in place so that these kinds of concerns can be addressed, because what you've raised today—clearly, I don't think the average person envisioning a greenbelt would see an auto wrecking yard as being a component of that greenbelt. Do you think that one of the absolutely necessary amendments we need is an appeal mechanism in place so that issues like this can be dealt with?

**Mr. Kanter:** Mr. Yakabuski, I was once on your side of the table, in a situation where I could look at big-picture items. Someone told me that the difference between a member of the Legislature and a lawyer was as follows: A member of the Legislature has to know a little bit about a whole lot of things, and a lawyer has to know a whole lot of stuff about a little site. I'm here to talk about this site. I believe this site meets all the criteria to be exempt. I can understand that there are going to be some larger issues you're dealing with. It may well be there are other sites where appeal mechanisms would be appropriate, but my purpose in coming before you today is to really deal with this site, which I think, clearly, should be exempt.

**Mr. Yakabuski:** Thank you very much.

**Ms. Churley:** Thank you very much, Mr. Kanter. It's nice to see you again.

**Mr. Kanter:** It's nice to see you.

**Ms. Churley:** I've got to tell you, that's pretty ugly. I think it reinforces the need for greenbelt legislation, that it's perhaps coming a decade or so too late. You have this in the middle of the Niagara area. Is this the only wrecking yard within the greenbelt boundaries?

**Mr. Kanter:** I am not aware of any others. Again, I'm retained by this group, which has one. When you look at the maps of the greenbelt presentation for the greenbelt plan, this all looks nice and green. Unfortunately, on the ground it's not always that way. This is one of those cases where the existing situation is not attractive.

**Ms. Churley:** It's created this.

**Mr. Kanter:** This has resulted, and we suggest that it should be cleaned up and it should be exempt.

**Ms. Churley:** You're absolutely convinced it can't be remediated, are you?

**Mr. Kanter:** Well, we're suggesting that the best way to remediate it would be to exempt it and—

**Ms. Churley:** To build on it. But to bring it back to farmland—no way?

**Mr. Kanter:** We're absolutely convinced, and experts concur, that it is not suitable for cropland and I think it would be difficult to farm it because of the removal of the topsoil and the climatic and other things identified by Mr. Ker. But, in addition, the fact that there has been an operating auto wrecking site next door, it is not a top priority. As the expert said, this is probably one of the last sites in the Niagara region that anyone would consider growing crops because of the combination of



reasons, including but not limited to the auto wrecking site.

**The Chair:** For the government side, Mr. Duguid.

**Mr. Duguid:** I want to welcome Mr. Kanter here as a former member of the Legislature. He served with distinction not too long ago, from 1985 to 1990, if I recall.

**Mr. Kanter:** From 1987 to 1990.

**Mr. Duguid:** From 1987 to 1990, and doing a good job in the private sector now.

I believe the proposal that you have before us is before the OMB now, so I don't want to comment anything specific about it. But I understand you have approached staff on this, that our Ministry of Agriculture and Food staff are actively reviewing it. I want to thank you for bringing that forward.

As you know, today we are here to discuss the framework, which is the legislation. The plan is a draft plan that's been put out precisely to give people such as yourselves the opportunity to come forward and help us fine-tune the mapping. I think that's what this is all about. So I want to give you an assurance that we are seriously looking at what you presented to us and what you have presented to us before today. We'll give you the assurance that we'll do everything we can to make sure it's appropriately dealt with.

**Mr. Kanter:** I don't know if that was a question, but if it was, I will certainly confirm that we've requested and been given an opportunity to meet with staff—as well as at the political level. We are certainly pursuing all of the avenues, including the political one, because I think it's important that members be aware of the situations that arise.

**The Chair:** Thank you for your delegation today.

#### REGIONAL MUNICIPALITY OF NIAGARA

**The Chair:** Our next presenter is the regional municipality of Niagara.

Good afternoon. Could you introduce yourself and who else will be speaking this afternoon, for the purposes of Hansard. When you begin you'll have 15 minutes.

**Mr. Peter Partington:** My name is Peter Partington. I'm the chair of the regional municipality of Niagara. With me is former chair and regional councillor, Debbie Zimmerman, the chair of our agricultural task force. We'll be splitting the presentation.

Chair and members of the committee, thank you for the opportunity to make a presentation on the regional municipality of Niagara's views on the proposed greenbelt legislation and plan.

In Niagara, as you know, the central issue is the tender fruit and grape areas. These areas are of provincial and even national significance. Communities within the greenbelt, from Durham in the east to Hamilton in the west, contain sufficient contiguous lands for 25 years of urban expansion. It is only in Niagara that urban communities have been completely cut off from future urban expansion in order to protect these special agricultural areas.

#### 1510

Regional Niagara has been a strong supporter of protecting the tender fruit and grape areas, as exemplified by its policy plan's vision for future development and conservation. These areas, however, are more than a local responsibility and need tangible provincial support for the land, the farmers and the communities. Also, there is a need to enable development in the southern part of Niagara, outside the greenbelt.

Regional council has been closely involved in discussions of the proposed greenbelt plan and legislation. Although generally supportive of the objectives, various issues have been identified that need to be further addressed. The remainder of this presentation will focus on those items.

The first issue is the need to support the tender fruit and grape industry. Regional council's view is that the best way to preserve the land is to preserve the farmer, and to that end they suggested that the province strengthen right-to-farm legislation, re-establish the research capability in the Vineland research station, initiate a major marketing initiative to encourage people to adopt a Buy Ontario First approach, provide raw water for agricultural irrigation, financial assistance through agricultural easements, and re-consideration of the re-assessment of value-added agricultural operations such as cherry pitting or fruit freezing on farms. In all, it is proposed that a financial package be provided to support the farmers affected by the plan and legislation. Councillor Debbie Zimmerman, chair of the regional chairman's agricultural task force, will address this topic more fully.

In keeping with the above comments, two specific changes are proposed to section 5, the objectives of the act. In order to recognize the importance of a viable agricultural industry, objective 5(d) should be revised to read:

“(d) to recognize the critical importance of the agricultural sector by supporting an agricultural investment fund, right-to-farm legislation, and marketing and land use policies for a viable agricultural industry.”

A new objective should be added to recognize the significance of the tender fruit and grape areas:

“To recognize the special significance of the Niagara Peninsula tender fruit and grape areas through policies and programs.”

Second, we need support for the urban communities whose boundaries have been frozen. These communities still need improvements to their services, both hard and soft, which will have to occur in the context of limited growth. To offset the effect of reduced assessment growth, it is suggested that the province provide financial assistance and other tools to these communities to enable infilling, brownfields development and infrastructure renewal. In this regard, a new objective is proposed as follows:

“To enable urban development within urban areas of greenbelt communities.”

With regard to the content of the plan, section 6, two additional policy areas need to be identified: Policies to



enable the viability of the agricultural industry and to facilitate development within the greenbelt communities' urban areas, as well as an implementation section, including an integrated set of programs to implement the greenbelt objectives.

Third, regional Niagara has adopted a go-south approach. This will involve services to enable growth to occur away from the greenbelt area, together with items such as the extension of Highway 406 and the provision of the Niagara-GTA trade corridor. The Ministry of Transportation has initiated the development of terms of reference for the trade corridor, and it's Niagara's preference that this move ahead as quickly as possible. Furthermore, the extension of Highway 406 should be commenced in the immediate future.

Fourth, consideration should be made to reducing the extent of the greenbelt by moving the southern boundary farther north to conform with the regional plan's identification of good tender fruit and grape areas. As well, from an administrative standpoint, the province should use the same boundaries for urban areas as does the regional plan. We are pleased that the provision has been maintained to allow the severance of surplus farm dwellings. I should mention, as has been before, that there is some concern about the 50-acre minimum lot size in the greenbelt, which some view as being too large for a specialty crop area such as we have in Niagara. Instead, a 25-acre minimum is recommended.

Fifth, because of the significance of the greenbelt for Niagara, regional council has supported the provision of a specific greenbelt advisory committee for Niagara so that the interests and special concerns of the farming community and urban centres can be represented.

Finally, it is proposed that another administrative layer not be created to implement this. The recommendation is that the greenbelt plan and legislation be implemented through the existing municipal planning system.

Thus, in short, regional council is generally supportive of the intent of the greenbelt but has a number of proposals which in our view would improve the legislation and plan. Most importantly, we think it should be accompanied by a financial assistance package to assist the farming industry and to reduce the effects of the urban growth freeze on the local tax base.

Thank you for the opportunity to address you on these important matters, and I look forward to a cooperative approach toward the implementation of the greenbelt legislation.

**Ms. Debbie Zimmerman:** First of all, welcome to Grimsby. It is the community I represent, so I am delighted that you are here today to listen to many of the individuals who are present. I, too, like some other members of the general public, presented over a year ago to this task force. I guess at that time it was still a process in the works. I want to take you back just a little bit because I think you need some history on this.

In the year 2002, when Jim Bradley attended an economic summit for the region of Niagara, it was proposed at that time that there would be an agricultural

preserve, and actually the legislation was introduced in the House. The government changed and we, as the region of Niagara—at that time I was the chair—took it upon ourselves to create the agricultural task force for the region of Niagara, which in 2002 began looking in earnest at what potentially could have come out of what was termed an agricultural preserve. I am so glad that you have changed the name to “greenbelt.” We do not see our farmers being held in glass jars to be looked at from afar. We think “preserve” really wasn't the appropriate term, so we're delighted that you've changed the name.

That task force has been in existence as an agricultural task force, which includes many of the people you've heard today—the mayors from the municipalities—and we have worked diligently to provide what we think is the best advice on greenbelt policy as you move forward for the future. We believe there should be a legacy for Ontarians for the future, but we think you need to do some things before you implement that legacy so it's something we can all be proud of.

The task force developed a report titled *Securing a Legacy for Niagara's Agricultural Land: A Vision From One Voice*. If you haven't seen it, I would charge the ministry staff to make sure you do. I can assure you that the Minister of Municipal Affairs and his staff have been working with us on this and we thank them and congratulate them for listening to us, but they should provide you with that document. This document was received by the agricultural advisory team. It has been referenced as being advanced, comprehensive and can act as a foundation for greenbelt policy and direction for the future.

In Niagara—and you've heard it over and over again today—greenbelt is tied directly to the economic success of our agricultural base. We have identified a previous document, which was an agricultural impact study done by the region of Niagara, which showed that agriculture is a \$1.8-billion economic engine for this region. We cannot toy with that. It is part of our success.

We believe there must be economic tools and other investments to create a lasting legacy. You've heard about some of them today. I want to talk about a few of these things. We believe there has to be a concurrent economic plan as part of this legislation.

I want to talk about just a little thing—and I'll give you an illustration how provincial policy has such a huge impact on our local community and can have a negative impact if not treated appropriately. In the late 1990s, \$4.8 million was removed from municipal coffers because of the agricultural land tax rebate program. This number has grown successively each year. That is lost revenue to the municipalities. We have been living with the downside of that decision and we continue to live with the downside of that decision. It has been referenced as an improvement in the CRF; we believe it needs to go further.

1520

For the past two years we flagged these economic problems; we flagged them both to this government and



to previous governments. We offer solutions; we are not prepared to sit here today without offering solutions, because we believe that if the greenbelt is successful, agricultural communities will continue to be successful. We have a legacy here in Niagara of being good stewards of this unique agricultural land base.

I'm going to move on to the initiatives. I'm sure you have questions, and I'd like to leave time for that.

Section 15 of Bill 135 should be amended to include a Niagara-specific greenbelt advisory committee. You've heard that before. Our task force supports that. We believe that it should be made up of agriculturally supported commodities and municipal councillors, and we believe that it should be reviewed annually and be Niagara-specific.

The task force recommends to the province of Ontario that there should be a Niagara agricultural investment fund of \$125 million created. We believe that this would support the value-adds for our communities, irrigation, agriculturally related municipal infrastructure upgrades, municipal infrastructure upgrades, a Buy Ontario program and food processing plants, while recognizing the loss of severance investments that many of our agricultural communities are without. We believe that you need to consider what they now have lost. The task force recommends that \$50 million be set aside for Vineland research. This valuable, important part of our infrastructure was removed under the previous government. We want the reinvestment here.

The delineation of the greenbelt boundaries needs to be reviewed and based on good science, particularly here in Grimsby. We have a hamlet in the south that we were preparing to develop to take the pressure off our lands, and that has now been included in the greenbelt. We think that is not fair and not right. You've just heard from former member Mr. Kanter, now a solicitor, talking about the west end. That was also slated for development prior to the greenbelt. We have a smart growth strategy for the region of Niagara that is providing incentives to improve these lands, such as those that are former brownfields. We hope you will review these boundaries, with a consideration to truly reflect what is happening.

You heard earlier in the day that temperatures of -30 degrees are affecting our croplands. Make sure you've got the science behind you to truly identify our speciality croplands. Many of them are in the greenbelt and they are not specialty croplands. We believe that the extent of the greenbelt should be reduced to conform to the good tender fruit and grape lands as identified in the regional policy plan. Some of those lands, particularly in the south, should be identified as rural. They are not specialty croplands.

I want to note that, first of all, in the region of Niagara we are proud of the things we have done, we are proud of our future and we are proud of our agricultural community. We have been restrained many times by previous governments and other legislation, but we do not want to be confined, as we believe there are opportunities before us. We have implemented redevelopment initiatives

through smart growth, and we are providing opportunities within our urban areas to redevelop certain brownfields. Unfortunately, the greenbelt directions do not acknowledge the reality of what is happening in our communities across Niagara.

We support as well the strengthening of agriculturally related legislation and the provision of tax incentives to processors who use 100% Ontario-grown product. We also believe that you should consider establishing an agricultural easement program. We believe that was a valuable program. It never saw the light of day, unfortunately, but you should look at that.

**The Chair:** Can you summarize? You have a minute left.

**Ms. Zimmerman:** Thank you. I'm going to sum up very quickly, because I'm sure you would like to ask some questions.

We want to see a successful greenbelt. All the details are in our report to you. I hope you will take everything that has been said today by the people in this area, particularly those people who are in the agricultural sector, and ensure that they have a future—so not only for us, but for all of Ontario. Thank you very much.

**The Chair:** Thank you. Unfortunately, 28 seconds is all you have left, which won't allow anybody to ask—

**Ms. Zimmerman:** I apologize.

**The Chair:** That's OK. We're happy that you're here and we appreciate your presentation. Thank you very, very much.

#### PUDDICOMBE ESTATE FARMS AND WINERY

**The Chair:** Our next delegation will be from Puddicombe Estate Farms and Winery. Good afternoon and welcome.

**Mr. Murray Puddicombe:** Good afternoon.

**The Chair:** If you could identify yourself and the organization you're speaking for, and when you do begin—when the hubbub in the room settles—I'll give you 15 minutes. If you use all of it, then we won't be able to ask you any questions; if you leave some time, we'll be sure to ask you some questions.

**Mr. Puddicombe:** OK. Thank you very much. I see the stopwatch is running, is it?

**The Chair:** Not yet. Not until you've introduced yourself. Then I do it.

**Mr. Puddicombe:** Murray Puddicombe, representing Puddicombe Farms and Puddicombe Estate Wineries. We're located within the Hamilton region, just on the border with Niagara.

Madam Chair, committee members, I appreciate the opportunity to voice my concerns regarding the proposed greenbelt plan as it affects my immediate area and others in Ontario.

I'm representing a family that has been farming on the same site for over 200 years. I'm a graduate of the University of Guelph, with 35 years of agriculture experience on over 300 acres of grape and tender fruit ground. I



represent the seventh generation at the same location, and have two children—actually, I have four, but two of them are over 20 years of age and are showing an interest in continuing the legacy in some facet of agriculture on our farming enterprise.

The premise of the greenbelt plan is to identify where urbanization is or is not to occur in order to provide a permanent agricultural and environmental protection area. Of course, there are many types of agricultural, environmental, recreational and tourism areas to be addressed within this plan.

I applaud, and I think a lot of people do, the intent of this plan; however, the implementation should be based on, as you indicate, a combination of the best science available, existing and future patterns of urbanization, and local knowledge and advice. It is clear to many of us here that these criteria were not adhered to in the drafting of this plan in its present form.

In regard to our immediate area below the escarpment, from Casablanca Boulevard in Grimsby on the east, Fruitland Road, Stoney Creek, on the west, Highway 8 on the south, and the QEW, Barton Street or Lake Ontario on the north, it's actually on the little map on the back that I just photocopied out of the plan. It's a quite segmented area close to Lake Ontario in the centre of the map.

Members of this committee, you have no doubt heard from the city of Hamilton, the town of Grimsby—I did hear them—Niagara and Lincoln as to why this area should be excluded from the plan. I agree with a lot of their points and will point out why this area should not be deemed a prime tender fruit or grape production area. They've given you all the other types of reasons, but I think that as a farmer, as a grower who has been on the sites, I maybe know a little bit more of what they're like than others.

Currently, there are fewer than six fruit growers making their living from the farms in this particular area. There also exist, naturally, a handful of part-time hobby farmers who obtain off-farm income in order to survive on the farm. Most of the farm owners are over 50 years old, with 75% of them being over 70. These figures parallel the nation's age statistics for farmers, which indicate that the younger generation is not returning to agriculture due to small family farm size, an ever-shrinking net return, uncontrollable input costs, and stagnant or decreasing sales revenues per unit of produce.

The people who own many of these small land-holdings in this area have worked both on and off the farm to make their living and now, upon reaching retirement age, are looking at their land investment as a source of income to carry them through the next 10 to 20 years. Many of these small holdings are surrounded by or in close proximity to residential or non-agricultural properties, making it almost impossible for someone to link these many small holdings together to form a viable operation. The fact that urbanization already exists throughout the area is a major deterrent to sustaining a viable agricultural presence. We have all heard of the

friction that exists between urban and farming communities when it comes to wildlife control—bird bangers—effects of spray drift both from the urban to the farm, like 2,4-D on the lawns and this type of thing affecting the vineyards, or from the farm to the urban, be it insecticides or fungicides, the operation of farm equipment at all times of the day, and possibly greenhouses lighting up the sky. The urban dwellers do not appreciate the fact that our farms are our backyards, and continue to trespass on foot, bicycle, motorcycle and, this time of year, snowmobile.

#### 1530

When it comes to buying a piece of property to locate a business—any business—and maximize its potential, the phrase “location, location, location” comes to mind. The area in question here, by and large, definitely does not exhibit an advantageous site potential in order to maintain a viable grape or tender fruit operation.

From a soil perspective, over 75% of this area is of a clay type. You heard, two or three presenters before me, that there's a car reclamation area in it. That happens to be right across from our farm, as a matter of fact, and I know for a fact that definitely that soil is not good. It's slow to drain and exhibits low crop yield potential. The only water source is municipal, which is extremely costly, as the price has risen 2.5 times in the last 10 years. To be viable, today's fruit grower needs a low-cost water source to obtain potential crop yields similar to our competitors in other jurisdictions in Ontario, North America and indeed the world, as it is truly a global business we are in today.

There also exist a large number of sites which exhibit poor air drainage as indicated by the plant damage incurred as the result of recent spring and fall frosts and the low temperatures incurred in the winters of 1981, 1993, 1994, 2003 and 2004 and, of course, just recently this last week.

The properties north of the CNR tracks between Kelson Avenue and Fifty Road are a prime example of poor air and water drainage. The presence of the South Service Road, being at the north, with a level above the adjoining fields of 3.5 feet on the west and 4.5 feet on the east, acts as a barrier to the continuous airflow draining from the south to the north, thus causing large frost pockets in the adjoining fields. The presence of the continuous traffic flow on the QEW also obstructs the natural air drainage by acting as a wind curtain, similar to those one would find in a factory or a food processing building, which is meant to keep out flies. It's the same principle. The turbulent air generated by the traffic inhibits the natural flow from the south to the north, therefore creating your frost pockets. We have seen the effects personally of this air flow problem over the last 20 years as our plantings of *Vinifera* grapes and peaches have been devastated time and time again at the north end of our property. The *Labrusca* varieties seem to fare a little better, but these are not the types presently being demanded by our expanding wine industry.

Adding to the problems in this area is the effect of road salt damage due to drift from the South Service



Road and QEW. This has caused extreme damage to our peach and Vinifera vines that are located within 150 feet of the roadways.

The fact that 15% of the area between Kelson and Fifty Road is actively growing grapes or tender fruit is a testimony to the fact that this area is not a prime location for growing crops.

In summary, I feel that the acreage that's currently within the plan area between Casablanca Boulevard and Fruitland Road that has been designated grape and tender fruit should be removed from the plan, as it does not lend itself to sustaining farming operations that can be viable in today's or a future marketplace. Please do not attempt to force this area to be farmed, because it won't be. It will remain, as it has been for the last 50 years, a brown zone. It's been like that ever since I've been walking around. Let us all put a concerted effort into growing our crops in areas that indeed hold the best attributes for the type of fruit crops that will ensure that growers will survive in the years to come.

Your vision to support agriculture as a predominant land use is excellent. Then properly identify the areas available for viable, sustainable farming. This process definitely should take more time than was allotted by those preparing the plan. The area must be of sufficient size, exhibit the proper soil and climatic conditions, and have a favourable market condition in order to entice growers to invest significant time and capital to make your and their vision possible.

To a large extent, the areas already within the NEC control plan, and many areas to the east of here, such as Beamsville, Vineland, Jordan, and of course Niagara-on-the-Lake, contain ground that enables long-term grape and tender fruit production. The production levels attainable on these lands are significantly higher than those we experience in the Grimsby/Stoney Creek area, due largely to the facts I have mentioned.

Section 4.6, page 25, on lot creation refers to a minor lot adjustment "provided it does not create a separate lot for a residential dwelling" and that the resulting parcels are at least 50 acres in size. This may be fine in a field crop area, where average farm sizes are 200 to 500 acres. Yes, many of today's farms are over 100 acres in this area, but they are made up of several properties acquired as our operations have grown.

The fact that there are, in this particular area, many five- to 25-acre farms held by individual owners who are at or near retirement age and whose children do not wish to continue farming these small properties, as they cannot sustain themselves, brings forth a problem of the ability of one or more prospective growers assembling a viable tract of land, possibly next to their existing holdings. The fact that the process would create numerous house lots plus a viable entity is not permitted within the plan in its current form.

Section 3.2.2 on page 10 refers to a "full range of existing normal farm practices and agricultural, agricultural-related and secondary uses." In light of the tourism studies conducted over the last five years within

the Golden Horseshoe area, which show a dramatic potential increase in the visitor numbers, I feel that it would be very prudent to include agri-tourism venues, farm stay lodging, estate wineries and other agriculture-related businesses within this plan. I feel it is essential to our long-term survival to be able to diversify from this true sense of the word "farming," as those who came before us have used. Tourism may well be a major driving force to this economy in this region in the very near future.

Section 5.5 on page 28, plan review: A period of 10 years is much too long. There should be an ongoing evaluation and policy modification process that ensures that the policies and boundaries fairly reflect the needs of all facets of society and are not static or irrelevant. As it now exists, some of the lands designated as grape and tender fruit or prime agricultural are definitely not so.

The fact that an amendment cannot reduce the total greenbelt area is ridiculous. Nothing should be written in stone, and this plan should allow for modifications similar to what exists in the NEC plan process. The greenbelt seemed to have been created in a backward fashion. It was frozen and then we had the hearings, instead of having the hearings and then coming up with a plan. It should have been done somewhat similar to what the NEC plan underwent, with lengthy public hearings and studies in order to establish a framework that enables all parties to work within it. The freezing of any potential development or changes within the proposed plan area is criminal. You cannot hold in limbo the lives of those most affected by this plan. You must reach some type of framework in the near future and maintain an ongoing review process, including stakeholder representatives on the review panel.

The members of the agricultural advisory team recommend that the government freeze the plan area for future generations without compensating the landowners. This is ridiculous. In some cases, the current land values could drop from \$150,000 an acre to \$15,000 an acre with the stroke of a pen. The effect on mortgages and other equity-related matters is tremendous. How is it fair to those who invested in the land and have been working their whole life while counting on selling their home and small holdings to provide funds for their retirement years? Other jurisdictions in various states in the U.S. and countries in Europe have established similar land preserves but realized that the government has to fairly compensate those affected landowners. The provincial government has already compensated developers who held land within the Oak Ridges moraine area by giving them publicly owned lands elsewhere. Fair is fair.

Please take the time to listen to the public concerns expressed and make the boundaries and policies realistic. It is not fair to force the farmers of today and of the future to be tied to a constantly evolving industry on land that may only yield marginal profits. The plan policy in its current form does nothing to entice future generations to enter the farming industry as a career choice.

Thank you very much.



**The Chair:** Mr. Puddicombe, you've only left a minute and a half, which means we only have 30 seconds each. Ms. Churley, you begin.

**Ms. Churley:** There's no time to ask you my questions in 30 seconds.

**Mr. Puddicombe:** Sorry.

**Ms. Churley:** No, that's fine. I listened with interest. Thank you for your presentation.

**Mr. Puddicombe:** You're welcome.

**The Chair:** A government representative? Mrs. Van Bommel.

**Mrs. Van Bommel:** Just very quickly, I've been wanting to ask this question all day, because people keep talking about how, rather than being 50-acre parcels, farms could be down to 25 acres. Yet in your presentation you talk about the problems that farmers experience with their practices and having non-farm people living near them. Are you not concerned that if you have 25-acre pieces, people will simply make them into estate lots and build their houses in the middle of them and create problems for you as you try to farm around that?

1540

**Mr. Puddicombe:** What I'm concerned with is the fact that they may be even smaller 10-acre lots, which currently exist to the west of us, right along highway 8, for example, and they have all the property in the back. What I would envision seeing is the house lots be separated off. The people don't need this land. Somebody would assemble the land that's behind them into a larger quantity of property, viable for agriculture. It is farmable. I'm saying this may be between the NEC land, or in any other jurisdiction as well. But with the way it presently exists, you can't do that because you're creating a house lot plus maybe five, 10 or 15 acres. The fact that other people want to see the minimum size as 25 acres is a start, I guess. It's up to the jurisdictions to come in to play as to where the house would be, if that's your concern. I'm looking at it strictly from agriculture.

**Mrs. Van Bommel:** I'm just concerned about conflict between farmer and—

**The Chair:** I have to go to the official opposition.

**Mr. Yakabuski:** Thank you very much, Mr. Puddicombe, for joining us here today and thank you for attending the open house in Milton with Ted Chudleigh, Ted Arnott and Mr. Hudak.

It just seems that what we see more and more is that the government, because of politics and polling, is just interested in, "Let's just get this done," as opposed to getting it right. Your situation is a good example of that, and we're seeing more and more of those all the time, where the effects of this legislation on individual landowners have not been taken into consideration at all. We appreciate you joining us today to bring that to our attention. Thank you.

**The Chair:** Thank you, Mr. Puddicombe.

Our next delegation is Mike Burda. Is Mr. Burda here? Mr. Burda isn't here. This is the last call for Mr. Burda.

## CHRISTIAN FARMERS FEDERATION OF ONTARIO

**The Chair:** We'll move on to our next delegation, the Christian Farmers Federation of Ontario.

Welcome. Good afternoon. If you could identify the individuals who will be speaking today and the organization that you speak for. When you begin, you'll have 15 minutes. If you use all of your time, we won't be able to ask questions, but if you don't, that's OK too.

**Mr. John Kikkert:** Thank you for this opportunity. My name is John Kikkert, president of the Christian Farmers Federation for the third year, enjoying the work. We represent farmers throughout Ontario from 22 districts, approximately 5,000 members that we directly are involved with and working for each day. With me also is Elbert van Donkersgoed, our policy strategy adviser, and he will do the main part of the speaking, so I'll just do a little bit of an introduction, and then I'll let Elbert lead you through on the key points that our presentation involves.

The Christian Farmers Federation of Ontario has concluded that there is much for us to applaud in the present state of proposed provincial guidance to manage urban sprawl, enable the future of food production and protect our natural heritage. However, the combined programs miss the mark in a number of important ways. I'd like to call upon Elbert to lead that discussion.

**Mr. Elbert van Donkersgoed:** Thank you, John. Thank you, ladies and gentlemen, for hearing us this afternoon. The Christian Farmers Federation's historical perspective on land use has been one of wanting to protect the best farmland for the business of farming. So we have brought to the issue of land use planning and urban encroachment and those issues the perspective of the business of farming, more so than the perspective of a landowner. It's our view that we need the best land for agriculture in order for agriculture to be strong in Ontario. As a result of that, historically we've been willing, for example, to give up the notion that just because you own a countryside property you automatically have a right to a severance. We've been on the side of encouraging municipalities to change those severance bylaws for decades because they undermine the business of farming.

So it's not a surprise that we bring a business-of-farming perspective to this particular issue of the greenbelt. The comments that we have to make are focused on the greenbelt, but we're also going to make some comments on some of the other things that are happening—the Places to Grow and the new policy statement under the Planning Act—because we think these things are a package deal and if we don't do them well as a package deal, agriculture will fall between the cracks.

The first point we want to make is about permanency. From you folks in the Legislature, we seek a sense of permanency for both agriculture and for cities. Whether we do that by drawing permanent boundaries around the best farmland or permanent boundaries around cities, one



way or the other, we want some permanency. So we see some strengths in this enabling legislation in that we're beginning on permanency, at least with specialty cropland and with the Holland Marsh. That's a beginning. But it's our view that, whether it's here in the greenbelt or elsewhere, you should give permanency to all prime agricultural land in this province because we need all of it if we're going to be successful in the business of farming for the long run.

So part of the weakness in this legislation, as far as we're concerned, is that you're only giving permanency to specialty cropland and the Holland Marsh. We badly need it for all of agriculture. Who else would draw to your attention the fact that you're leaving out a whole lot of the best farmland in the greater Golden Horseshoe in the land that has the line drawn around it as greenbelt and our cities on the west end of Lake Ontario? There's some 175,000 acres that you're leaving out with this particular bill.

On average, especially once you take out the specialty cropland and the Holland Marsh, the land you're leaving out is of significantly better quality than the farmland you're protecting in the greenbelt. It troubles us deeply that the approach of the greenbelt is to protect the mediocre-quality farmland, once we get beyond specialty crop and Holland Marsh, and leave many acres of some of our best, prime land, which in all likelihood is going to be subject to urban encroachment or become part of that continuous network of urban communities that is growing around the west end of Lake Ontario.

We want to point out that 18% of our farmland in Ontario is already gone; 11% of that disappeared in the last 50 years. As far as we're concerned, we cannot stay on that pattern. We have to put the brakes on putting our cities on the best-quality farmland.

Similarly, to us there's no point in saying that we're greenbelting something and then not being absolutely ironclad that we're going to keep urban infrastructure out of there. We would rather see a smaller greenbelt and have it be an ironclad greenbelt. If you do a big greenbelt but then continue to allow gravel extraction and 400-series highways and an airport and dumps in the greenbelt—we're saying don't give us a greenbelt and then do that to it. Give us an ironclad guarantee that we've got a greenbelt so that we've got real permanency. Because we need permanency to do our planning, our business of farming for the long term. We can't make the investments in farming, our families can't make those investments, if we don't have permanency.

The other observation I would like to make is that by leaving out some of the best lands in the greater Golden Horseshoe area, you are driving agriculture on to the poorer-quality land, and it will be hard for us to make a living on poorer-quality land.

The second point we want to make is about the choice of language in the bill, which talks about "protected countryside." We're not totally uncomfortable with using the words "protected countryside," but we really want to talk about a productive protected countryside, because

we need both farmland and farm business policies. We would also like to suggest that whatever policies are going to work for the greenbelt are really policies that we want across Ontario in the provincial policy statement under the Planning Act. We need a new set of approaches to how the business of farming is going to function in the future. It's clear to us that there's going to be a clear distinction between countryside development and urban development.

1550

We define countryside, productive countryside, broadly, not just primary agriculture production. As you no doubt know, if all we do with the countryside is produce raw materials, they're no longer highly valued in our economy. We have to do a lot more than produce raw materials, and that includes in this greenbelt. This greenbelt has to be doing a lot more than raw material production, because those things are of modest value in today's economy. So we badly need a broad notion of what the protected, productive countryside economy is going to look like down the road.

We have a caution: If we don't do it right, the chances are good that the greenbelt will be 100-acre farms with million-dollar homes and commuters to the city on them. If we can't do productive economic activities in the countryside, someone else will buy the 100-acre farms and just turn them into great places to live without significant economic activity. You only need to drive along some of the side roads or concessions of Puslinch township, in the closest piece of Wellington county to this area, to see what can happen in terms of 100-acre farms being modified into a whole different kind of countryside. If we don't vigorously, consciously build the countryside economy in the greenbelt, it will just become a private bedroom for those of us who are very well-heeled.

The third point we want to make is that how cities develop is also key to what kind of encroachment is going to happen on farmland. We are very strongly onside and are encouraged that there is a lot of talk about changing the way that cities develop. We endorse the idea of population density targets for cities, higher brownfield development and urban redevelopment. We urge you to significantly up those numbers. Transit-friendly development, outcome-based planning—in other words, we support "be consistent with."

However, for us, slowing down urban sprawl is not enough. Some of these policies will slow down urban sprawl, but we think you should be breaking the pattern of sprawl, of a continuous network of urban communities. For that, we need a different approach in terms of networks of greenbelts, perhaps smaller ones much closer to our cities.

Fourthly, we want to mention the fact that there's a clash of cultures in the countryside, and the greenbelt is just one piece of it. There is an urban regulatory approach that is happening, whereas in the countryside we're used to a self-help culture. There's a whole range of things. Attached to my notes is one of the policy statements



we've adopted, in which we're willing to say fairly strong things like, it's high time we do more with land use planning, but we're ready to have you repeal the Nutrient Management Act, and we're not very fond of where we're headed with risk assessments of three or more different kinds. Our own commitment as a farm community is to do environmental farm plans; now we have risk assessment with nutrient management, and we're going to get another kind of risk assessment with source water protection. We're eager to rethink all of that. We think that is an absolute necessity, that the path we're on right now with the regulatory approach fundamentally flies in the face of the self-help culture the countryside has.

The final point we want to make is that the economy of the protected countryside can't work if you expect that it can be had for free. We have to talk about the money, about how we're going to get financially functioning protected countryside. From our point of view, greenbelt will make the expectation of environmental services a requirement. We need to talk about how to pay for environmental services. Some of you may be using the language of "alternative land use services" or "ecological services." We're not stuck on what language to use. Our view is that we need to have a constructive approach and a detailed approach to starting to pay for environmental services as part of the economics of the protected countryside.

We are on the page of saying that we have to, in the future, have whole-farm, annual environmental payments. We have a policy document—it's attached here—making its way through our policy structure within CFFO in which we're saying that this province should urgently strike a task force on how to do environmental payments, both for the greenbelt and for the broader countryside, because we think what we design for the greenbelt really belongs in much of the productive countryside of Ontario.

Those are our five key messages for you about this piece of legislation.

**The Chair:** Thank you, gentlemen. You've left about a minute for each party to ask you a question, beginning with the government.

**Mrs. Van Bommel:** Thank you very much for your very well-thought-out presentation. I'm certainly intrigued by the whole-farm annual environmental payments proposal you have. I see you grinning, Albert; you probably already know what I'm going to ask. How would this work in terms of our international commitments on trade and tariff, WTO, GATT, NAFTA, the whole series?

**Mr. van Donkersgoed:** As far as I'm concerned they're all quite permissible under current agreements, because they should be green bucks. This should be green money.

**Mrs. Van Bommel:** So we wouldn't have any problems in doing this?

**Mr. van Donkersgoed:** We should not have, because certainly Europe is using this extensively, and the Americans have their own form of environmental payments.

**The Chair:** The next speaker is the official opposition.

**Mr. Hudak:** Thank you, gentlemen. Another of my constituents: Mr. Kikkert, good seeing you. Thank you for the well-researched presentation on the environmental payments as policy. We have certainly heard over and over again at this committee that if you want to preserve farmland, you have to preserve the farmer. Many good ideas have come forward here today from yourselves and from the other groups before you. The great concern I have, quite frankly, is that the Minister of Agriculture has deserted the field. It has been over a year since we were promised some sort of farm framework. Their own task force called for it.

We're contemplating an amendment that would somehow bind the Minister of Agriculture to bring something forward before this legislation becomes law. We think it's one of the most essential pieces. I don't know where you stand on this, but I'll ask this question again: Is it fair and reasonable to ask that the government bring forward a farm viability plan before they ask that this legislation be brought into law?

**Mr. van Donkersgoed:** The farm viability question, all by itself, is enormous, because it deals both with the marketplace and with how we manage the land. I would say that it would be very helpful if there was a firm commitment from the Legislature that we're going to do a task force on environmental payments, on the economics of greenbelt services that you are now expecting with this legislation. I think it's fair game to tackle that piece.

To tackle the total problem of farm viability at a certain point becomes a matter of the structure of the marketplace. We have learned in the last year and a half, ever since mad cow disease, that consumers continue to pay well but that it doesn't get down to farmers. The structure of the marketplace has caused some significant problems.

I wouldn't link all of farm viability to this particular legislation, but I would encourage you to say that it's high time the Legislature tackled the whole marketplace issue as well, because we've got structural problems in how the marketplace works.

**Ms. Churley:** Thank you very much for your presentation. Your comments about loss of prime farmland reflects—I'm sure you're quite aware of the Stats Canada report that came out.

**Mr. van Donkersgoed:** That's where that 11% comes from: the most recent report.

**Ms. Churley:** Right, and it's quite alarming. You mention now that, except for the specialty crops in Holland Marsh, there's actually less prime farmland protected within the existing boundaries of the greenbelt than mediocre land. Where are you talking about? What has been left out? Looking at the map, is it that choker around? Perhaps you could describe it.

**Mr. van Donkersgoed:** Most of the maps have a whitish colour between the greenbelt and the purple of the already committed urban development areas. That's some 175,000 acres.



**Ms. Churley:** And that's some of the best?

**Mr. van Donkersgoed:** On balance, that is better-quality land than is being protected in the greenbelt; I would say significantly better-quality land than the lands inside the greenbelt. A good number of the greenbelt lands are immediately adjacent to the Niagara Escarpment or to the Oak Ridges moraine, and those tend to be on the modest side for agriculture, but once you get some distance away from either the Niagara Escarpment or the Oak Ridges moraine, you have some of the best farmland in this province. I'll pick on the town of Caledon plain as an example. It's a beautiful piece of prime farmland and it's not in the greenbelt.

1600

**Ms. Churley:** So your recommendation, and of course I'll be putting forward amendments to this effect, is that this land be included.

**Mr. Van Donkersgoed:** We need the best land in, and if you shrink it elsewhere—we're not so set on having this big a thing. We would prefer to see real greenbelts closer to the city, accessible to urban transit, but absolutely, permanently, ironclad and protecting the best land. We're not so sure you need to protect a lot of poor-quality farmland. You might want to do so for natural resource reasons; that's fair game.

**Ms. Churley:** That's what I was going to say some of that land is for, because it's environmentally sensitive.

**Mr. Van Donkersgoed:** But don't then say it's for agriculture. You don't need to protect the mediocre-quality land for agriculture, because we can't take our \$300,000-combines there and expect to make the payments.

**Ms. Churley:** But you would agree that it should be protected if it's environmentally sensitive land, for that reason.

**Mr. Van Donkersgoed:** You need to protect some of the environmentally sensitive land, but I'm not sure you need to protect a million acres for environmentally sensitive purposes.

**The Chair:** Thank you very much for your delegation today. We appreciate you coming.

#### HOWARD STAFF

**The Chair:** Our next delegation is Howard Staff.

Good afternoon, and welcome. If you could identify yourself and give us your address. When you begin, you will have 10 minutes.

**Mr. Howard Staff:** Thank you, Madam Chairman and members of the Legislature for this committee. First of all, I must apologize; I'm just getting to be computer literate and there are a couple of mistakes in my presentation. It is Bill 135, not Bill 136, and I did leave out a word. We'll blame the computer. I think it typed the wrong number.

I'm Howard Staff, and my address is in St. Catharines, but I live near Jordan. I'm the sixth or seventh generation on the family farm, depending on how you count it. You

can read what I've done for the community and worked at in the last few years.

The Staff family has been farming in the Niagara area for over a century and three quarters; not as long as Mr. Puddicombe's, but we're trying. We farm on the edge of the escarpment near Jordan, and for over 100 of those years the principal crop has been grapes. To a lesser extent, we've had beef cattle, grains, apples, and pumpkins for Halloween carving.

As a seventh-generation representative of the family, I feel that I am in the position to say that we've had a long-term commitment to the agriculture of this province. Having said that, I've taken a peek over the garden fence and have a few observations about what the future might hold for the continuance of our family's legacy. This is in regard to this bill that is before us.

As a result of the free trade agreement during the late 1980s, we had to remove slightly under half of our acreage, which at that time was 1,000 acres in grapes, and those were devoted to wine. The bulk of those acres, being on the top of the escarpment, were devoted to the lower-end or inexpensive wines, and it was a policy of this government that we should have to stop producing those grapes. In other words, I had grapes ready to go to market on one morning, and the next morning it was illegal to make wine out of them. With that, we were left with approximately 500 acres of grapes, most of them in the juice industry, and to a lesser extent in the table wine industry. I give you this as a background of how we got to where we are now. A lot of the grapes that were taken out we now farm in cash crops, and most of those crops are going to market in today's economy at under the cost of production.

I take particular interest in knowing that my family has only grown grapes for 100 years in this area, so I have a comment to make on the mapping that was provided for our area when it came to what was good grape and tender fruit land. Whoever drew that map did not use proper criteria. That map needs peer review. No one has ever been able to tell me who drew it or why it was drawn in those particular places. Peer review.

I fail to see the need to implement this kind of legislation when very comprehensive plans are in place by both the municipal and regional levels. These plans were crafted to reflect local needs and conditions and ultimately received the provincial seal of approval. Do you not have any faith in this process? That's really what was the backbone of our municipal plans.

I can't see how rules that were designed and implemented by government are changing to reflect a view that is not consistent with long-standing, established criteria. In changing criteria, as outlined in many of the proposed regulations to this act, you are in fact putting your hand in my pocket and removing money that I had a great deal of difficulty making in the first place. An example: retirement lots. It's only a small item, but as my retirement is on the horizon, I need to take from my savings another \$150,000 to \$200,000 to fund a house for my wife and I. With the depressed state of returns of most



commodities, which are being sent to market at below the cost of production, I'm burning my ancestors' equity in that farm. I'm using it up at a rate that cannot be sustained. I'm hamstrung if I want to change to some other kind of venture by the 1,500-square-foot rule for accessory buildings and the cap put on the amount of outside labour I can hire. It puts me in a very vulnerable position.

One of the few bright spots in our area has been farm wineries and greenhouses. Does the Ontario government want to destroy any prospect in the greenbelt of value-added? I maintain that a winery should be allowed, at a minimum, 25,000 square feet—that is a modest-sized winery; if any of you have been to Henry of Pelham, Henry of Pelham is about that size—or 200,000 square feet for a greenhouse. That is the bare minimum for getting by with greenhouses, yet in the green plan as proposed, I'm limited to 1,500 square feet.

The report written by Mr. Vancilief and Mr. Bedgood is laughable in many areas. I fail to see any benefit to agriculture with this kind of regulation, when the stated purpose is to help agriculture. Let's be honest. Society wants to drive into the country and see cows in the pasture or blossoms on the trees in the spring. Are we being legislated as a tourist or sightseeing area at no cost to society? It's my belief that this is the case.

What is starting to emerge are the hiking trails proposed in a recent document intercepted by agricultural people. In this report by the Ministry of Tourism and Recreation, they're discussing a new trail system linking the Bruce Trail and the Lakeshore Trail along all the main watercourses in the Niagara area. This will go hand in hand with the greenbelt when it's proclaimed. This proposal only cements my contention that this legislation is aimed at more than preserving the farm. How do I prevent people from using my property when crop protection materials are being applied? With a great many people using the proposed system, it can only lead to more problems. In my own case, we have excluded the Bruce Trail from our farm—almost one mile—for over 20 years because no mechanism is in place to prevent anyone from suing me, even though I have no say in who traverses the property.

As a sideline, someone tried to sue me because a family member passed away from a heart attack on the property while following the trail. I had complete vulnerability on that, even though the person happened to be over 80 and died of natural causes. But they were on my property, so I must have had something to do with it.

Also, it's my belief that we are being hoodwinked on this issue in the name of environmental concerns, when the real winners appear to be a few large corporations who pay what they want for our crops—for example, grapes—even though we are already selling at below the cost of production. Some processors have already made overtures that, as growers, we have to accept the prices being offered, as the greenbelt will freeze us to production of this crop. If this is the case, would you please change the name of the legislation and call us in agri-

culture what we really are: "peons"? If you all remember your grade 9 history or you have read Shakespeare, you'll know what I'm talking about. My family fled the countries that harboured this treatment over 200 years ago and came to this country to prosper, it appears now, for naught.

**1610**

I talked earlier about peeking over the garden fence, and these are my observations.

Farms will become weekend retreats, with one or two acres of grass and the rest reverting to bush. This is already happening. I just spent six years on the Niagara Escarpment Commission, and I witnessed, from one end to the other, at least 20 farms a year disappearing out of agriculture simply because there's one house, which is the weekend retreat, and they're not renting the farm out to the local farmers.

My retirement is seriously affected, not only for myself but also for my children and my children's children.

The economic viability of the affected area must be of the utmost importance and not glossed over by a report that did little, if anything, to address economic reforms in the province.

If passed in its present form, liability matters of people using a trail system must be addressed first.

The study on the viability of agriculture missed the point entirely. The only real asset that we have in agriculture has to be our land and our ability to finance our operations. A huge cloud has now been placed over this, with financial institutions now becoming gun-shy.

**The Chair:** Mr. Staff, you have about 40 seconds left.

**Mr. Staff:** Thank you. Establish a working committee comprised of people from end to end within the proposed greenbelt, with at least 50% full-time farmers—and I emphasize full-time—participating. Leaving the nuances of this area to the bureaucrats, with a 10-year review, is preposterous.

The largest hurdles facing grape growers are LCBO pricing and stocking policies that are designed only for provincial profit. Why not keep all the jobs at home and not export them? Also, food processors have to be doubly aware that we have a quality product.

Last, our ability to farm and provide food and fibre for this province must be enhanced, not through a number of acts that are being proclaimed all at once. We have this coming down: the Nutrient Management Act, the source water, the trails initiatives, the greenbelt. It makes me feel like the oven mitt in the Arby's commercial where he's working like anything and all of a sudden he stops and says, "When will it ever end?"

Please—I have said this before—don't make me a peon.

**The Chair:** Thank you, Mr. Staff. We appreciate your delegation. Unfortunately, you've exhausted your time. Thank you very much for being here.

**Mr. Staff:** I can take some of the fellow's who didn't show, if you want.

**The Chair:** No. Thank you very much. Thank you for coming.



## ONTARIO FRUIT AND VEGETABLE GROWERS' ASSOCIATION

**The Chair:** Our next delegation is the Ontario Fruit and Vegetable Growers' Association.

Good afternoon, and welcome. Please identify yourself and the group you speak for. When you do begin, you will have 15 minutes.

**Mr. Art Smith:** Thank you. Good afternoon. My name is Art Smith. I'm a former resident of this area. I grew grapes for some 20-odd years. I'm the former chairman of the Grape Growers of Ontario, former CEO of that same organization, and currently the CEO of the Ontario Fruit and Vegetable Growers' Association.

I'm grateful for the opportunity to discuss the province's greenbelt legislation with you today, because I believe its impact is being greatly underestimated, not just by the government but by society at large.

Speaking on behalf of the association's more than 7,500 fruit and vegetable growers throughout this province, I can tell you that the legislation has some good to it, but it also has some inherent dangers that need to be recognized for what they are: economic detractions from an industry that is overall the number two driving engine within this province. In reality, these costs need to be recognized for what they are, real, rather than speculative, and the industry hopes that the government realizes that the costs being integrated on to the backs of farmers are, and will continue to be, costs that should be borne by society at large. It is the farmer—a price-taker rather than a price-setter—who is most dramatically and negatively impacted by this legislation, and the government must look at all costs surrounding this issue.

Saving the land for agricultural use is commendable, but the land is without value if agriculture itself is not preserved, and therein lies the inherent danger. Preserving the land without preserving the industry leads to a conundrum that, if it is not resolved very soon, will reflect very poorly on this government and indeed on the future residents of Ontario. But you've heard that already.

You've heard from farm organizations throughout the province and from within the suggested greenbelt area about the ramifications and impact of this legislation on agriculture and the farmers, who, despite all odds, continue to provide Ontario citizens with the safest, most nutritious and highest-quality food in the world.

You have heard that farm values in the protected greenbelt area will plummet, but have you heard that housing prices in the urban areas will go up, that traffic congestion will get worse, and that this act will create even greater economic disparity amongst the residents of this province?

To the above question, I would like to cite a couple of comments from the Fraser Institute, a national think tank that is a third-party, arbitrary body that has no financial gain from legislation enacted in any province, particularly here in Ontario.

According to a report entitled *Myths about Urban Growth and the Toronto "Greenbelt,"* writer Wendell

Cox indicates that "the anti-growth agenda"—which is what this legislation really is—"conflicts with other important public policy objectives such as maintaining and expanding household and regional prosperity, sustaining personal and civic freedoms, and reducing the incidence of poverty."

Growth of urban land areas, Cox continues, is a worldwide phenomenon. But in his executive summary, which you have been given, the main reasons cited, primarily by the government, for the growth of urban land areas are erroneous. I won't delve into each and every point, but there are a couple that I would like to highlight for your attention.

Cox cites the case being made about the loss of agricultural land, often indicated as a primary reason for the greenbelt. In his report, Cox indicates, "The growth of urban land areas is charged with consuming an inordinate amount of agricultural land, thereby threatening the food supply. Reduction in agricultural land, however, is due to increased agricultural efficiency, not scarcity of land."

It follows closely with the idea that the greenbelt will eliminate the consumption of open space. "It is claimed that urban land area growth consumes large amounts of open space. However, as indicated above, more productive agriculture has returned far more land to open space than has been consumed by urbanization. (This is not to suggest that environmentally sensitive or otherwise special land should not be conserved in reasonable amounts.)"

Cox concludes with a couple of very strong points. One is that urban land growth is found to be "a benign, and potentially beneficial development, while anti-growth policy is found to threaten prosperity and retard social mobility, at the same time it increases traffic congestion and air pollution."

All of these issues are ones that the act is supposed to address. You can see the flaws in the argument when it's brought to your attention by an outside source rather than those, such as ourselves, who are often too close to the fight.

His strongest argument is that the "most important effect of the proposed greenbelt will be to increase the price of housing, making it more difficult for families with lower income to enter the economic mainstream and could lead to greater economic disparities. At the same time, it can be expected that the already serious traffic congestion will become much worse due to the failure to provide sufficient new roadway capacity to handle demand and the inability of any feasible system of public transit to reduce traffic congestion materially."

This 87-page report can be found by going to the Fraser Institute Web site at [www.fraserinstitute.ca](http://www.fraserinstitute.ca). It details point by point, with much more clarity than I, the argument against legislation such as the Greenbelt Act.

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If the government decides to proceed with the greenbelt legislation—and it appears that it will—there are several things we, as an agricultural industry, require.



Farmers have been, and will continue to be, the stewards of the land. I originally indicated that preserving farmland is great so long as the farmer is also saved. One takes care of the other. Sustainability within this sector will ensure that the government's goal of a green space will be achieved and, more so, it will provide tremendous benefits to society.

Horticulture is at the front line when it comes to the benefits derived from diet. A stable intake of fruits and vegetables, more than the recommended five to 10 servings per day, could lead to a healthy reduction in the health care budget that currently swallows more than half of the provincial budget, and continues to grow. Not only are we the caretakers of the land the government so desperately wants to preserve, but we are also the future for healthier Ontarians.

Ladies and gentlemen, this is not about partisan politics. It's not about pitting one party's agenda or legislation against another, as the divide would seem to indicate. It's about what's right for all parties concerned, and that includes hearing from the voice of farmers throughout this greenbelt area. When references are made to the Napa Valley, as has been the case, it indicates to me a clear lack of understanding or care for the needs of the farming community. And this legislation impacts far more than farmers; attending the various public meetings, as I have, however, would not show that. Nor has the mainstream media allowed for fair representation either. But that is not our fight. Balance and fairness is, and balance and fairness, ladies and gentlemen, are contradictory terms within this legislation.

We want our farmland preserved, but only if society at large is willing to come to terms with what the agricultural industry contributes. That is especially crucial right now when our industry as a whole continues to reel under chronic, massive debt and flounders in the marketplace due to a lack of firm government policy that chooses Ontario first. If you advocate it, if the government of the day pushes a buy-Ontario policy, then, again, the goals of society meet the needs of the ever-decreasing farming community.

If this legislation passes, look at the economic results. Monitor the price of farmland before and after the act is enabled and not just in the short term. What will the ramifications be three years down the road? What about five years? Agriculture is not a quick sector. Our crops are not just planted one year and removed immediately after. We are a time-sensitive industry with long-range plans put into place for a reason. When it takes five to seven years before a viable crop can be garnered from grapes or tender fruit, we learn as farmers to be patient. We are asking the same from the government—patience. We ask that the government commit itself to the business of agriculture, that it take the time to get this act right. This act needs to be based on good science and planning principles and practices, not just political promises.

Ladies and gentlemen, we must do what the farmers in Niagara do: We must be patient. We must explore the truth, learn from the truth and then do it right. After all,

good legislation always needs to be done right. It needs to address everyone's needs, and that would mean the nearly six million people who are not at these meetings and consultations. It is these people, unaware of what and how this legislation will impact upon them, whose voice should still be sought. Their silence has been deafening. Are they aware that their dreams of personal movement from the city or the suburbs, or even rural, will be hampered or blocked because of legislation enacted today? Since that appears to be the case, what answer will you have regarding their future dreams and aspirations?

There are a number of other issues that could be talked about as well, but the Greenbelt Act is about land planning, not revamping the agricultural sector. It's about ensuring green space for future generations. It's about saving farmland, not about saving farmers. But if we don't save the farmers today, where will the expertise come from tomorrow? Society does not give farmers credit for their expertise, yet we have some of the best, most advanced farmers in the world right here in Ontario. If we lose their expertise, agriculture in this province will never recover.

We want to be part of the future, but, more importantly, we want to be active in the present, not a faint memory for residents of this province that once upon a time grew some of the finest fruits and vegetables in the world.

Ladies and gentlemen, growers cannot be expected to shoulder the costs alone. Government and society must be active participants if this greenbelt is to meet the expectations of society. We must create a link in the minds of consumers between what they buy in the grocery store and any benefits of the preservation of agricultural land. If we fail to do this, if government fails to actively participate and commit to saving the farmer and if society fails to support the Ontario producer, then those fields of dreams will in fact become fields of weeds and this dream for some will be lost forever.

Members of the panel, thank you for the opportunity to speak to you today and I ask that you please consider these points when you re-enter your deliberations.

**The Chair:** Thank you, Mr. Smith. You've given each party about 30 seconds, beginning with the official opposition.

**Mr. Smith:** That's good timing.

**Mr. Hudak:** Well done. A great presentation, well researched and obviously very well thought out beforehand, which we've come to expect from you in your previous capacity and your current capacity. So thank you for the food for thought for the committee.

**Ms. Churley:** Thank you very much for your presentation. I don't have time to get into it, but I recommend as well as the reports you've cited today—I find some of the conclusions absolutely bizarre: For instance, the suggestion about the relationship between curbing urban growth and traffic congestion, that curbing urban growth increases traffic congestion. I would suggest that you read this report, which actually makes it very clear that



higher levels of density are required to make transit more flexible, and actually low density is what creates this fall. With the higher density, you get an opportunity—

**Mr. Smith:** I think what I said was—

**Ms. Churley:** I'm sorry to interrupt, I've got 30 seconds, but there's a counter-argument to that in many reports, and this is one of them that just came out from the Ontario College of Family Physicians.

**Mr. Smith:** I'm sure they know a lot about urban sprawl.

**Ms. Churley:** They do. I'm just suggesting that there are other studies that would be really important to read in terms of urban sprawl and the link between smog and public transportation and all those kinds of things, as well as the Stats Canada report that just came out around prime farmland being eaten up by sprawl.

**Mrs. Van Bommel:** I have to join Ms. Churley as well. I'm just dumbfounded. The comment that the reduction in agricultural land is due to increased agricultural efficiency and not scarcity of land is in direct contradiction to what StatsCan's science has found out. They're saying that Ontario is the worst offender in terms of losing prime agricultural land to urban sprawl. It also says that we have had a one-fifth increase in the need for farmland and that we've already lost 11% of that land. So I don't understand. To me, what you're saying here is a total contradiction of what we're seeing in the science from StatsCan.

**Mr. Smith:** That is a direct quote out of the Fraser Institute's report on urban growth in the greenbelt. Those are not my words; those are words from the Fraser Institute.

**Mrs. Van Bommel:** But obviously you support those words.

**Mr. Smith:** Absolutely.

**The Chair:** Thank you, Mr. Smith. We appreciate your being here today.

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#### NIAGARA ECONOMIC AND TOURISM CORP.

**The Chair:** Our next delegation is the Niagara Economic and Tourism Corp. Good afternoon. Thank you for coming. When the hubbub subsides, you can introduce yourself.

**Ms. Churley:** Sorry.

**The Chair:** They're getting a little excited. It's late in the afternoon. Please introduce yourself and the organization you speak for, and when you do begin, you will have 15 minutes.

**Mr. Patrick Gedge:** Thank you very much. My name is Patrick Gedge and I'm CEO of the Niagara Economic and Tourism Corp., the economic development agency of Niagara. I'd like to thank the standing committee on the Greenbelt Act for the opportunity to speak today and provide feedback that will help the government of Ontario to successfully implement the greenbelt legacy for the province.

I do totally admire your stamina today as you've gone through this.

**Mr. Hudak:** Entertain us, Patrick.

**Mr. Gedge:** Yes, I'll entertain you.

I will not be addressing specific or technical aspects of the legislation. There are many other groups and individuals here today who can very capably address these issues, particularly as they affect the \$1.8-billion agricultural industry in Niagara. We could not agree more with the remarks made earlier today by regional chair Peter Partington and regional councillor Debbie Zimmerman. I will take a more strategic and holistic approach in order to frame the economic context of the legislation and perhaps some of the unintended consequences to Niagara.

To be clear, the Niagara Economic and Tourism Corp. and its private/public board of directors supports the establishment of the greenbelt in Ontario.

Let me now address the economic context for Niagara. Compared to the overall provincial economy, the Niagara economy over the past 10 years has experienced lower than average GDP growth, lower than average population growth, lower than average income growth of its residents and an outflow of its youth.

Historically, our primary economic driver has been manufacturing, and just like the rest of Canada and North America, the manufacturing industry has been shrinking, as have jobs. At their peak, manufacturing industries in Niagara employed over 40,000 workers and were distributed over many industry sectors. Manufacturing was a relatively stable sector that underpinned the regional economy, gave it a high degree of predictability and provided workers with above-average wages. In recent years, however, a number of larger Niagara manufacturing companies have experienced major layoffs or closures. Employment in manufacturing has fallen to less than 30,000 as of 2004. The manufacturing landscape has become much more volatile and uncertain, with direct impacts on the broader regional economy.

During the same period of time, the tourism industry grew substantially, until 9/11 and then SARS. Tourism in Niagara has not recovered from these events and, frankly, it will take a number of years to regain the past momentum. Tourism really does help to diversify the economy, but it is not a substitute for higher-paying 12-month jobs that can be generated by other sectors.

Opportunities for growth and prosperity in Niagara have been severely limited due in part to these economic changes.

To address these issues proactively, the regional municipality of Niagara and the Niagara Economic and Tourism Corp. are currently developing an economic growth strategy for Niagara that will build on our strength, further diversify our economy and minimize the impact of cyclical businesses. But we cannot do it alone. The province of Ontario, through its policies and programs, needs to be a full partner in systematically addressing the economic issues and priorities of Niagara. This leads me to today's focus on the greenbelt plan.



The greenbelt plan will provide another economic constraint to Niagara and its ability to grow and prosper in the future. Ideally, we would have wished that, along with this draft legislation, the government provided an economic impact analysis and opportunity cost estimate related to its effect on the economy and on municipal revenue. It seems odd that a major public policy decision is being made without such an analysis.

The NETC is not asking the provincial government for favourable economic treatment. It is asking for a level playing field in order to be able to fairly compete provincially, nationally and internationally. It is asking for a set of provincial policies and targeted investments that will allow the region to compete effectively in the marketplace. It certainly asks that Niagara be recognized more prominently in Ontario's plans for the future, not relegated as a secondary or tertiary area for growth and investment. With a level playing field, Niagara has the track record, the expertise and the entrepreneurial spirit to succeed and prosper.

So what will help create a level playing field and enable Niagara to compete?

First, recognize that the greenbelt legislation will constrain the ability of the agricultural economy and local municipalities to grow, both geographically and in wealth creation. With that recognition, create or refine existing policies and programs that will provide alternative revenue sources to the agricultural sector and communities whose urban boundaries are effectively frozen. For example, fund incentive programs that will lead to downtown revitalization, brownfields development and infrastructure renewal. These investments would be consistent with principles articulated in the discussion paper *Places to Grow: A Growth Plan for the Greater Golden Horseshoe*.

If it's difficult being an MPP, think about the joy you would have being a mayor along the greenbelt, whether of Lincoln, Grimsby, Niagara-on-the-Lake or St. Catharines, facing the issues they now have to face.

Secondly, invest in initiatives, such as Niagara Economic and Tourism Corp.'s proposed agribusiness marketing program, which would increase investment into agribusiness, develop new tourism product, and drive more high-yield tourists around Niagara as part of a comprehensive growth plan.

These are straightforward, achievable initiatives that would help offset the economic impact of the greenbelt legislation, particularly in the northern tier of the region.

Regardless of these initiatives, Niagara can only increase its competitiveness and prosperity if other parts of the region are opened up for business. To help enable these opportunities, there need to be economic and transportation corridors established north and south, and east and west, over and above the existing QEW. Without these provincial transportation and related infrastructure investments, Niagara cannot attract the number and the quality of businesses and sustainable jobs needed for a healthy economy.

In the short term, extend highway 406 to Welland and, ideally, Port Colbourne, opening up that economic

corridor. As has been mentioned a number of times, in the longer term, the GTA-Niagara trade corridor has to be made a provincial priority and accelerated with all the means available to us. The impact of this economic conduit connecting two national economies must not be understated or minimized by the province. The economic impact of gridlock at Niagara's international border crossings and on the QEW reduces Ontario's and Canada's economic growth prospects with every passing month.

Both of these actions will diversify traffic from the greenbelt areas and open up non-greenbelt and additional smart growth areas. By doing this, you not only help Niagara be competitive but, as importantly, it facilitates the growth that inevitably will take place in the GTA and along the entire 401 corridor, be it Brampton, Hamilton or London.

In summary, let me connect the dots. The Niagara economy is not performing as strongly as it should and, frankly, as strongly as the province needs. In the *Places to Grow* discussion paper, Niagara is not identified as a high priority for provincial investment, which will further hinder Niagara's and Ontario's ability to generate new jobs and attract new business. Finally, the greenbelt legislation will add further economic constraints on the ability of Niagara to prosper.

Taken as a whole, Niagara and the province need to establish ways to identify joint policy, program and investment priorities with the goal of creating sustainable growth and enhanced prosperity. It's in all our interest.

Thank you very much for your kind attention.

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**The Chair:** Thank you. You've given us about a minute and a half each, beginning with Ms. Churley.

**Ms. Churley:** Thank you. I won't ask you about the Fraser Institute.

**Mr. Gedge:** Thank you very much.

**Ms. Churley:** I wanted to ask you, however—it is getting late in the day. This is a very balanced approach and I appreciate your coming to discuss the issues that face your town and municipality. But I just can't help but ask, because you're talking about tourism, what you think of the Minister of Tourism's latest tourism plan to get rid of our beloved trillium and also some of his other ideas. Seriously, there are some moves afoot, just on that level, that were just announced. He's trying to change the image. I presume that you might think that's OK, but you need these programs to be put in place, the kinds of things you're talking about today, as well as some of the more, I suppose, on-the-surface things.

**Mr. Gedge:** Actually, it might be more fun talking about the Fraser Institute. In terms of tourism marketing, I would just make this comment: What's important is what ultimately works with the consumer. What's important is, what will drive consumers to want to come to Ontario and what will drive them to want to stay here longer than they would normally think about staying? Because that's the new revenue that you're trying to bring into the economy, over and above the existing



revenue that's recycled when we simply travel around the province. Regardless of the emotionality attached to certain icons or representations of the province, I think it's really key that you drive it right down to the consumer and do what works with the consumer over the long term. At the end of the day, you want to get a very strong return on investment on your tourism dollar, and part of doing that is doing what really works with the consumer.

**The Chair:** Our next speaker is Mrs. Van Bommel.

**Mrs. Van Bommel:** Thank you for a very well-presented presentation. I certainly was struck by the comment that "Niagara in the last 10 years has experienced a lower than average GDP growth, lower than average population growth, lower than average income growth and an outflow of its youth." That sounds very much like what's happening in all of rural Ontario. Like I say, it strikes me, because I have to confess that I had never really thought that this area, being so close to Toronto, would experience much the same problems as are experienced in my part of the province.

You mentioned providing "alternative revenue sources to the agricultural sector and communities whose urban boundaries are effectively frozen." That's your terminology. Could you expand on that particular comment? What do you see as alternative sources of revenue?

**Mr. Gedge:** First of all, in terms of the economy of Niagara, I think it is important that people have a common understanding of the economy and the drivers of the economy, because there are a lot of perceptions about Niagara that are not necessarily accurate. You know, we're thought of very much as a tourism economy, not really as a mixed economy. Obviously, we are blessed by the fact that we have a global icon and that certainly adds to our economic activity, but it isn't a solution to our economic activity by itself. We certainly want to attract new investment into Niagara over the short and longer term.

Some of the programs we'd identify: First of all, if the greenbelt takes place and in effect freezes certain levels of development and activity that can take place, I think we have a strong case for actually going out and marketing strong agribusiness, agri-tourism and eco-tourism in the area, because it is in fact a unique area in Canada and, frankly, a unique area in North America. With the proper product development and proper marketing, I think we can start to increase the level of tourism dollars that would come to all parts of Niagara, not just one or two parts of Niagara.

**The Chair:** The official opposition?

**Mr. Hudak:** Patrick, great presentation. I've had a chance to walk through these concepts before. One thing that I think is important and that you're getting across in a much politer manner than I will is that there's a resentment in Niagara that when this legislation is spun out, it's going to turn us into a great, vast, green playground at the foot of the GTA. It's certainly not what we aspire to be. We want to preserve important areas and we want to support farming, but we need to think about

growth and job creation in this area, about having smooth and efficient transportation corridors to get people and goods to market safely and efficiently. The restrictions that it looks like this legislation is going to impose on agriculture are very significant, and without compensation. I'm not even talking about selling the land but about limiting the size of buildings and structures, limiting distances from natural features and such, without any compensation for the farmer. You put this point very politely.

But what we should learn from this is that this will be a constraint on growth in Niagara unless those other pieces come forward: a support plan for our farmers, a transportation plan and assistance for greenbelt municipalities. I thank you for reinforcing those points.

**Mr. Gedge:** Thank you very much.

**The Chair:** Thank you for your time.

#### MARY LOU GARR

**The Chair:** Our next speaker is Mary Lou Garr. Good afternoon and welcome. Thank you for being here. Please identify yourself and your address for Hansard. When you begin, you'll have 10 minutes.

**Ms. Mary Lou Garr:** Thank you, Madam Chair and members of the committee. My name is Mary Lou Garr. I'm a lifelong resident of Niagara. My husband and I have farmed in Grimsby for 30 years. Our son has now purchased the farm from us. I'm passionate about agriculture, and to that end, I've spent 25 years or so in local, provincial and national agriculture organizations. Last year, I was selected to be the agriculture representative on the Greenbelt Task Force, and I spent six months with 12 other individuals crafting recommendations for the government to try to ensure success for the greenbelt and meet the needs of the various sectors in it. We hoped to create a legacy for the future, but I think Bill 135 in its current form is fundamentally flawed, not by what's in it but by what isn't in it.

From the beginning, the focus was on preserving the land. I believed and constantly tried to make the point that the success of the greenbelt was inextricably linked with the success of the agricultural industry within it, the working landscape that makes the area green. At the very first task force meeting, I pointed out the folly of preserving the land for farming while doing nothing to economically sustain the industry that used that land. Those points I made are still being voiced at this very hearing, one full year later, but with an even higher level of anger, mostly created by fear: fear of the existing bleak agricultural financial situation, fear of powerful processors who seek low-priced commodities, and fear of loss of equity in our properties, for which we struggled and sacrificed. Agriculture is today a fragile economy being hit with more and more costs to comply with government regulations with less and less income. In a time of crisis, creating a greenbelt only adds to that uncertainty.

Farmers don't feel responsible for urban sprawl, but others seem to believe we are. Some members of the



committee and one government bureaucrat presented the view that farmers were angry about the greenbelt because we would not be able to sell our land to developers for millions of dollars. I suspect that mindset was much broader than in those few people. If so, it was a flippant dismissal of some legitimate concerns.

Unfortunately, if this bill only protects the land resource without providing for the economic sustainability of the farm family resource on that land, then the greenbelt won't be about saving the land for food production at all but simply creating a panoramic landscape for the benefit of the urban public. This government needs to decide what kind of greenbelt it wants.

If farm economic sustainability is not achievable—and some must think it isn't or they wouldn't be so reluctant to address the problem—then when farmers in the greenbelt exit the business, who will buy the farms? I see two markets: corporate farm enterprises that get bigger and bigger, using the economy of scale, and the estate housing market. People with money will not be deterred from building their dream homes in the country, despite a prohibition on available severances. The greenbelt will become a prestige area, and farms for sale will be the ideal spot for that dream home. In either case, corporate farming or estate housing, the missing piece will be the farm family businesses, which were supposed to be preserved by the greenbelt.

In the draft greenbelt plan, one of the primary goals under the rural communities section was to sustain the character of the countryside and rural communities. I believe that having fewer farms and farm families goes a long way to defeat that goal.

**1650**

The Greenbelt Task Force, on which I sat, recognized that reality early. However, solving the issue became a futile exercise of one ministry passing the buck to another and no one taking responsibility for helping solve the problem. So our task force's solution was to make a well-thought-out recommendation that a provincial task force on agriculture be created to develop agriculture policies that will ensure a viable agriculture industry across the greenbelt, comprised of a base of stakeholders, led by the Ministry of Agriculture, with membership from the Ministries of Finance, Municipal Affairs, Natural Resources, Environment, Consumer and Business Services, federal departments and others. That was our recommendation.

My biggest disappointment in this whole process has been the Ministry of Agriculture. Instead of following our advice, the Ministry of Agriculture chose to create another consultation opportunity with an agriculture advisory team and then limited its mandate to essentially land use issues, again failing to appreciate the economic needs of those the ministry is supposed to represent. The agriculture team's final report even acknowledged the problem. They stated that "The complexity and diversity within the ag. industry necessitates that many other government ministries must work in concert with Agriculture and Food to achieve solutions," and stated those same ministries that we had stated.

Land use control is not the key to the success of the greenbelt. If the purpose of a greenbelt is to preserve agricultural land as part of ensuring a safe and secure food supply, if it is to link that land with environmental stewardship that enhances the environmental health of the area, if it is to maintain healthy, sustained rural communities, then farm families can't be left on their own to make the greenbelt work for society.

The failure of Bill 135 is in its lack of attention to implementation beyond administration. I would like to see in Bill 135 specific provision for an agriculture working group or task force, whatever you want to call it, like our task force recommended, to include farm stakeholders and all ministries involved in the economic sustainability of agriculture. They need to look at where they want agriculture to be in 10 years, how we're going to get there and what tools we need to do that. Every farmer knows that farm viability is not exclusively linked to having a land base. Anyone with common sense knows that.

The farm organizations have done a lot of work on what they know are the fundamental agricultural needs, and you've heard many of them today. Some are legislative changes, some are infrastructure changes and some are investments in environmental initiatives. A perfect fit for greenbelt would be the sort of environmental payments that the Christian Farmers were talking about at this table.

Work has been done, but what is needed is a forum where these issues can be dealt with, and that forum could be enshrined in Bill 135, along with a mandate for it and some powers. An agriculture working group created by Bill 135 could create a plan for the future of agriculture in the greenbelt, could help write the regulations as they apply to agriculture so they make sense for agriculture, and could also have the power to influence government policy and develop fiscal measures to be used within the greenbelt.

I believe the main factor preventing government from acting on this will be fear of what it might cost. I was told often through this process on the task force, "There just isn't any money, Mary Lou." Well, agriculture knows all about that. I would urge the government to take their vision beyond freezing the land into landscape. View this as an investment in agriculture and the rural economy. I don't subscribe to the view that something this important to society should be gained at no cost to society, especially when it requires co-operation and balancing of interests.

Some parts of Bill 135 demonstrate that progress can be made. A commitment is made in it to strengthen the Farm Practices Protection Act and the Trespass Act, and both things were asked for. And to give credit where credit is due to the government, provision is made in there for surplus farm dwelling severances, which was absolutely critical to the farm community, and we thank you for that consideration. But these are all land use issues once again.

Because our industry overlaps so many other ministries, the only way to make further progress is to have a



task force or agriculture working group enshrined in the legislation. You may believe the proposed Greenbelt Advisory Council will be adequate, but let me assure you, one or two voices on an advisory council, however persuasive, will be no more effective than was one voice on the Greenbelt Task Force. Since uncertainties breed fear and mistrust, you need to provide confidence that the government will seriously address the needs of the greenbelt agriculture community by legislating the establishment of a working group that should have been already there over the past year as this legislation was developed, if the Ministry of Agriculture had listened.

I will fiercely defend the need to maintain the family farm in the greenbelt. They are the unit that has preserved the land to date, and they are the most effective unit to undertake environmental stewardship, to produce food, to value-add to the economy and to direct-market to urban consumers. I believe the family farm is the face of greenbelt, but they cannot do it by themselves. I urge you to put the piece into Bill 135 that will prevent failure: Make provision for an agriculture task force or working group, set it to work and give it the power to make things happen.

**The Chair:** Ms. Garr, you have about 50 seconds left.

**Ms. Garr:** Governments are elected to make decisions, but such broad policy developed without the support of the primary stakeholders in its success will be a poor legacy for me as a task force member and for you as a government.

**The Chair:** Thank you for your presentation. We appreciate your being here today.

**Mrs. Van Bommel:** Is there a possibility of getting a copy of your presentation, Ms. Garr?

**Ms. Garr:** It's not in any shape to be looked at. Yes, I can send it.

**Mr. Hudak:** She could e-mail it, though.

**The Chair:** If you could provide that, we would be grateful.

#### AMC REAL ESTATE MANAGEMENT AND SERVICES CORP.

**The Chair:** Our next presentation is AMC Real Estate Management and Services Corp.

Good afternoon. Thank you for being here. Please identify yourself and the organization you're speaking for, and when you begin, you'll have 15 minutes.

**Mr. Antonio Maggio:** Good afternoon. My name is Antonio Maggio. I am the president of AMC Real Estate Management and Services Corp.

Madam Chair and committee members, first of all, I wish to congratulate this government for its sound vision in the proposed greenbelt plan. As I understand it, the purpose of the plan is to identify and protect, among other things, other prime agricultural land with soil types 1, 2 and 3, and the Niagara Peninsula tender fruit and grape lands.

Today, my submissions are directed toward the lands located within the town of Grimsby, and in particular, an

existing hamlet located at the intersection of Kemp Road and Mountain Road. I am a property owner of approximately 25 acres of land that is located in part of lot 7, concession 4, with the civic address of 67-69 Kemp Road East. The property is currently improved with two semi dwellings and a barn and is located east of the intersection of Kemp Road and Mountain Road, highlighted in blue in appendix A. The area surrounding the intersection of Kemp Road and Mountain Road is identified as a hamlet area in the local official plan. The mapping of the greenbelt plan should be corrected to identify the existing hamlet in this area.

The lands in and around the hamlet have been identified as Toledo class 4 soil by the Ontario Ministry of Agriculture and Food, foodland preservation branch. Attached is a letter to Mr. Wyeopen, with his permission, as appendix B. Toledo class 4 soil is marginal for sustained use for common field crops, in the opinion of M.S. Kingston of the soil management branch, Ontario Ministry of Agriculture and Food, and E.W. Presant, land resource centre, research branch, of Agriculture Canada, in *The Soils of the Regional Municipality of Niagara*, Volume 1, 1989.

Section 3.4.3 of the draft plan addresses policies for hamlets. Such policies as currently written allow for infill development and intensification, along with the minor rounding out of hamlet boundaries at the time of municipal conformity, all in keeping with the environmental capacity of providing sewage and water services and subject to municipal official policies.

#### 1700

The local municipality initiated a growth management study process prior to December 2003. As part of this study, a report was released on May 27, 2004, in which the area surrounding this hamlet was identified as a potential community area. My land is located within this potential community area. In addition, the municipality has not yet completed its study for the potential community area.

Therefore, we believe that it would be appropriate to identify this hamlet area, as outlined in the town's growth management study—see attached appendix A—south-of-the-escarpment potential community area, as a special policy area within the greenbelt plan and maps. It is appropriate to allow for the completion of the study process and implementing documents which would formally address the limits of the settlement boundary.

Thank you for this opportunity to make this submission to this committee. I hope the committee will take the opportunity to correct the Kemp Road hamlet to all the stakeholders' satisfaction.

**The Chair:** Thank you very much. You've allowed three minutes for each party, beginning with the official opposition.

**Mr. Hudak:** Mr. Maggio, thank you very much for your presentation. I know Mayor Bentley and council have brought this issue forward with respect to the Kemp Road hamlet. Sadly, yours is but one of many, many problems that we've found with the mapping exercise.



I've been carrying around this box with me of all the presentations we've had, and pretty well everyone has some concern about what's been left out that should be in, or what's in that should be out. The fundamental concern is whether the science that was used was more political science than real environmental science.

In fact, you cite here a couple of studies by the ministry itself that indicated that you had class 4 soil. You wonder about an exercise that leaves class 1 wide open for development and some class 4 land—I mean, we had another Grimsby farmer that came forward to talk about his land being salted away from road salt. He'll never be able to sell that property for agricultural production. You wonder why those are included.

That's why we have been pushing an amendment—I hope my colleagues will support it—as we've heard time and time again, that there should be a third-party review process and peer review of the science to make sure we have it right. Another suggestion would be an appeal mechanism. When the Niagara Escarpment Plan was brought forward, there was an appeal mechanism where you could go, based on the science, and have a very fair and transparent hearing, your fair day in court. Because while the minister has met with some people, like the mayor of Burlington, he can't meet with everybody.

Anyway, I've dragged on for a little bit. What do you think of the notion of an appeal process based on science or a third-party review of the science behind the plan?

**Mr. Maggio:** I would say that cases like the Kemp Road hamlet have to be dealt with. If there is no other avenue, sure, an appeal process where anybody, any owner can go to address all these discrepancies.

The hamlet there is class 4, which is rural. It has nothing to do with land that is very sensitive or anything like that. Economically, if you cannot do anything else, you will stay there forever without any benefit, with no societal benefit from it. That's unfortunate.

**Mr. Hudak:** Do you think it should go the other way as well? If people bring forward a piece of sensitive property—I don't know if you know Marcy's Woods, at the other end of my riding, or Parkview in Dundas; Boyd Park has been brought forward—do you think it should work both ways, that people should be able to bring suggestions—

**Mr. Maggio:** Absolutely. I agree with the notion that very good agricultural land, or even agricultural land that has been taken completely out of the equation, should be included. Land which cannot be farmed, which would be sitting there without any economic benefit, should be excluded whether it is on this map or not, or if it's not on this map, we should do something, a process to put it on this map so the town of Grimsby has any place to go. I see the town of Grimsby being completely isolated in this process.

**Ms. Churley:** Thank you very much for your presentation. I don't have any questions. I just take it that you will be working with the Liberals to try to address this issue.

**Mr. Jean-Marc Lalonde (Glengarry-Prescott-Russell):** Thank you, Mr. Maggio, for taking the time to

come and address your concerns. As you know, this greenbelt plan is made especially for protecting the farmland and also our water sources.

We listened to the concerns of Mayor Bentley this afternoon. Looking at his presentation, are your 27 acres part of the concern he's looking for, that they should be excluded from this greenbelt plan?

**Mr. Maggio:** Honestly, I don't know exactly what the mayor's concerns are, because I wasn't here. I cannot answer that question.

**Mr. Lalonde:** At the present time, what is around that property you own?

**Mr. Maggio:** There is only a hamlet. There is a business just next to it. There is a rental business next to my land. In front of it, there are two farmhouses. This is part of the hamlet, as far as we understand. But the hamlet is not there. If you look at your map, there is no hamlet whatsoever. It has completely disappeared, like it never existed. It is in the official plan.

**Mr. Lalonde:** How is it identified in the actual official plan?

**Mr. Maggio:** Just a circle; it doesn't have any perimeters.

**Mr. Lalonde:** Has it been identified as farmland?

**Mr. Maggio:** No, it's been identified as rural land.

**Mr. Lalonde:** They also stated this afternoon that 75% of the land in the area is made of clay.

**Mr. Maggio:** That's class 4, yes.

**Mr. Lalonde:** Also clay in your area.

**Mr. Maggio:** Yes, class 4, very bad drainage. You cannot cultivate anything on this.

**Mr. Lalonde:** Those are my questions. Thank you.

**The Chair:** Thank you, sir, for your delegation. We appreciate your time.

#### STEVE FERNICK

**The Chair:** Our last delegation is Mr. Steve Fernick.

Good afternoon, welcome. Please identify yourself and the location you come from. When you begin, you'll have 10 minutes.

**Mr. Steve Fernick:** Well, I'll be short. Probably a lot of what I'm going to say you've heard. My name is Steve Fernick. I live in Grimsby. I'm a landowner, a farmer. My brother and I own seven farms ranging from 4.5 acres to 88 acres, two being in Lincoln below the escarpment, one in Stoney Creek and four in Grimsby. Out of the seven farms, we have owned four of them more than 35 years.

I am supportive of the greenbelt, provided that it is planned and implemented properly, is practical, uses common sense, and is customized to the needs of specific areas, especially those in Niagara and east Wentworth county. It is important that government recognize that the Niagara region is unique as it relates to agriculture and related lands. A one-size-fits-all approach will not work for Niagara, nor for the rest of the province.



1710

When drafting the final greenbelt legislation, Bill 135, the government must clearly understand what it is trying to protect. The farmer must be protected and, in turn, the farmer will protect the land and the greenbelt. Farmers have been preserving these lands for more than a century.

Farms within the greenbelt are privately owned, and the government must recognize this fact. In Niagara, with the greenbelt, we have lost our retirement lots. I was raised and have lived on a farm since I was born. Living on a farm was my choice because I like living in the country. In the near future, I will be retiring, and I will be forced to move to town, where there are nine or more houses per acre. The greenbelt draft plan outlines allowances for severances of 100 acres. How many grape and tender fruit farmers between Hamilton and Niagara-on-the-Lake have 100 acres? Consideration should be made for our lost rights to retirement severances.

In addition to limiting a farmer's ability to sever land, the greenbelt plan limits farm businesses that are secondary to agriculture. For example, the proposed greenbelt plan outlines the following: (a) The farmer can put up a 1,600 square-foot building, which is 40 by 40. Should I want to build a winery, how many acres of my grapes can I process? (b) The farmer can allow 4,500 hours annually of employee work time. That's not enough.

When reading over the proposed greenbelt plan, I noticed some discrepancies. In draft schedule 2 of the proposed greenbelt plan, it failed to show Kemp Road and Grassie hamlet in Grimsby. In addition, in Grimsby and Wentworth East, the proposed greenbelt south boundary is Mud Street and Young Street, which is Townline Road. Without a doubt, this area was not fully studied by government officials, as it is claimed that this area is good vinifera grape land and good tender fruit land. The south greenbelt boundary should follow the south escarpment commission boundary or Elm Tree Road in Grimsby and Green Mountain Road in Wentworth East and be based on environmental science. The government must reconsider the greenbelt boundary south of the escarpment and redesignate it from specialty crop lands to rural lands.

Please find attached a letter from the Ministry of Agriculture department dated 2002 stating that our soil is class 4, Toledo. The letter also states that the soil is not good for growing grapes and that it is in a very frost-prone area. The Niagara soil book and maps confirm the same and state that this land is Toledo soil and is not good for growing grapes, fruit or most other types of crops.

Wentworth East, south Young Street going north to the Niagara Escarpment south boundary, and Highway 20 being the west boundary, going east to Wentworth East boundary: The soil map of Wentworth county, soil report 32, indicates that 95% of the soil is Haldimand soil and Lincoln soil.

Toledo, Haldimand and Lincoln soil are suitable to grow peaches, cherries or vinifera grapes. Although some

labrusca grapes are planted in this area, at best, growers receive less than a 50% crop.

Above the escarpment, soils are imperfect and poorly drained. In addition, above the escarpment, there is an increase in mean annual temperature, resulting in a shorter frost-free season. In the winter of 2002-03, grapes froze, including those in Niagara-on-the-Lake, and there is no way we can compete with Niagara-on-the-Lake.

Please find attached excerpts from the Wentworth county soil book on climate, Haldimand and Lincoln soil series; excerpts from the regional municipality of Niagara soil book on Haldimand and Lincoln soil series; and two maps. In an area two square miles by four square miles, there are only five farms left growing grapes, and in the same area, 18 vineyards have been removed or abandoned. This holds true for the rest of the area. I would request that someone make a visit to the area. I would be pleased to accompany them to see for themselves before the decision is final.

The growers are asking the government to give farmers the tools to be profitable. Some of the tools needed are: changing the Wine Content and Labelling Act; promoting Ontario VQA wines; implementing a Buy Ontario First policy; and promoting public awareness.

Farm viability has to be ensured if the greenbelt is to be protected, and a commitment to compensate growers for any loss in land value must be made, as there is a fear that farm values will decline.

I would like to thank the local members of the provincial government—Jennifer Mossop, Kim Craiton, Tim Hudak and Peter Kormos—and Minister John Gerretsen for listening to us and for the keen interest they have shown in our concerns. I would like to thank you for the opportunity to speak to you today about the proposed greenbelt legislation and its impact on growers in Niagara and Wentworth East.

**The Chair:** Thank you, Mr. Fernick. You've given each party about 45 seconds to ask you a question, starting with Ms. Churley.

**Ms. Churley:** Well, you're last but not least. Thank you very much for ending today's session on a very personal note. It's always good to hear from people who are personally affected. I'm sure we'll be taking your particular issue up with the government. That's about all I have to say, because there is no more time, but thank you.

**Mr. Fernick:** Thank you.

**Mr. Rinaldi:** Thanks very much, Mr. Fernick. It's great that you're here and it's great that you bring your own personal experience beyond the industry perspective.

Just a couple of things. We've heard over and over again, probably a hundred times, and we'll probably hear it some more tomorrow that the general support is there for the greenbelt, but with a lot of conditions attached. Because we need to work on those conditions—I think all governments have been committed to helping the industry—we have to start somewhere, because something's been neglected. Would you agree that we need to



get moving on this and, yes, work with you and the industry Ontario those?

**Mr. Fernick:** You've definitely got to get started, but you've definitely got to work with us.

**Mr. Rinaldi:** If I may, the other thing I want to clear up—

**The Chair:** It had better be a really short question.

**Mr. Rinaldi:** Well, just a statement, if I may, Chair. The statement about the size of buildings: That's certainly not in the plan, about the 1,600 square-foot limit; none of that is in the bill. It was a recommendation by the task force, but it's not entrenched. Actually, the legislation allows for auxiliary buildings to derive other activities on that piece of property. It's there.

**Mr. Fernick:** Well, that's good.

**Mr. Hudak:** Mr. Fernick, thank you very much. Thank you for the kind words. I know Peter Kormos would appreciate that too. He's been a strong advocate for the grape growers and his constituents who are impacted.

I'm not as dismissive of the Bedgood-Vanclief report, because that's the only thing the government has brought forward so far on how to help agriculture. But in many ways, as you cite in your report, it's actually going to hinder people in the greenbelt area.

I want to say thanks for bringing your particular report forward, because it is science-based. You have some science that you cite, previous studies by the Ministry of

Agriculture, which I think reinforces the point that we should have a more honest, open and transparent tribunal to make these decisions, as opposed to relying on politicians, the minister of the day.

It's my last chance to say a few words. I just want to say thanks to Mr. Fernick and to all the farmers who are here today. Not everybody could come before the committee. I hate to recognize anyone in particular, but Mary Lou Garr has done an outstanding job as a voice for agriculture. She's a constituent of mine from West Lincoln. I want to thank Mary Lou for her outstanding efforts as part of the Greenbelt Task Force.

Thank you, sir.

**Mr. Fernick:** Somewhere in the transition, there was something lost on the good tender fruit land and the good grape land, because the people who had input into it drew the boundaries on commercial grapes, and in the presentations in November, it was turned around as vinifera grapes; also, for tender fruit, it was pears and plums, not cherries or peaches.

**The Chair:** Thank you, Mr. Fernick. We appreciate your being here.

Committee, this brings us to the close of our hearings this day. Thank you to all the witnesses, the MPPs and the ministry staff for their participation in the hearing. Our committee stands adjourned until 10 a.m. tomorrow morning, February 3, in Toronto, in committee room 1.

*The committee adjourned at 1720.*











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## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GENERAL GOVERNMENTCOMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES

Thursday 3 February 2005

Jeudi 3 février 2005

*The committee met at 1002 in committee room 1.*

## GREENBELT ACT, 2005

LOI DE 2005 SUR  
LA CEINTURE DE VERDURE

Consideration of Bill 135, An Act to establish a greenbelt area and to make consequential amendments to the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Act, 2001 and the Ontario Planning and Development Act, 1994 / Projet de loi 135, Loi établissant la zone de la ceinture de verdure et apportant des modifications corrélatives à la Loi sur la planification et l'aménagement de l'escarpement du Niagara, à la Loi de 2001 sur la conservation de la moraine d'Oak Ridges et à la Loi de 1994 sur la planification et l'aménagement du territoire de l'Ontario.

**The Chair (Mrs. Linda Jeffrey):** Good morning. Could I ask you to take a seat? This is the standing committee on general government, and we're called to order. We're here today to resume public hearings on Bill 135, An Act to establish a greenbelt area and to make consequential amendments to the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Act, 2001 and the Ontario Planning and Development Act, 1994.

While members enjoy parliamentary privileges and certain protections pursuant to the Legislative Assembly Act, it is unclear whether or not these privileges and protections extend to witnesses who appear before committees. For example, it may very well be that the testimony you have given or are about to give may be used against you in a legal proceeding. I caution you to take this into consideration when making your comments. I would also like to remind those in attendance that there should be no demonstrations of support for or against any comments made by any presenters or members of committee. Last but not least, if you have a cellphone on you, would you please put it on vibrate so that you don't disturb any of our presenters? Thank you.

**Mr. Lou Rinaldi (Northumberland):** Is it possible to lower the screen and then put it up only if it's used? I don't think it's fair for those people.

**The Chair:** I have already asked that question. I believe our second presenter is actually using the screen, so after the second presenter, we'll take it down. I apologize that your view is obstructed, but until the

second delegation has been through and has presented, we can't take it down.

**Mr. Tim Hudak (Erie-Lincoln):** Do they get a discount on the ticket price?

**The Chair:** They should get a discount on their ticket price, you're absolutely right.

## CITY OF MISSISSAUGA

**The Chair:** Our first delegation is from the city of Mississauga. Good morning and welcome. If you could identify who will be speaking today and what group you represent. When you begin, you will have 15 minutes. If you leave time at the end, there will be time for questions; if you don't, then that will be your time.

**Ms. Pat Saito:** OK, if we don't want questions, we won't leave time then, right? You can tell I'm a politician too. Thank you.

I'm Pat Saito. I'm councillor for ward 9, city of Mississauga, and I'm here today representing the council of the city of Mississauga. Mayor McCallion is in India; otherwise, she would be here before you. So you've lucked out and you got me instead. Anyway, I would like to first of all thank you for allowing the city of Mississauga this opportunity to present today. We appreciate having this time.

I'd like to start by saying that Mississauga supports the province's planning initiatives: the provincial policy statement, Bill 26, strong communities, the OMB reform and the draft greenbelt plan, as well as the growth plan for the greater Golden Horseshoe. Mississauga proposes that the growth plan is a priority and, to avoid conflicts, should be adopted in conjunction with provincial planning reforms, such as the provincial policy statement, the Planning Act, the OMB reform and the greenbelt plan.

Our comments are offered not only in the context of managing growth for the greater Golden Horseshoe but also in terms of the growth pressures facing maturing municipalities such as Mississauga for the next 30 years. We acknowledge that population in the greater Golden Horseshoe is expected to increase by 3.7 million persons and almost 1.8 million new jobs by 2031. Mississauga has absorbed considerable growth over the past 30 years to become Canada's sixth-largest city and Ontario's third-largest city. The last greenfields in Mississauga are now being developed, but the growth demands will



continue, primarily in the form of intensification—infill and redevelopment.

Mississauga is supportive of a growth plan for the greater Golden Horseshoe as the framework to manage growth and direct infrastructure investment. We recognize that the plan expects municipalities like Mississauga to accommodate its share of anticipated growth. The plan states that 40% of new growth is to be accommodated through intensification. While we currently have the third-highest density in the GTA-Hamilton area, we recognize those future growth demands and will continue to promote compact urban form, especially in the city centre.

The greenbelt plan will play a major role in achieving both provincial and municipal growth objectives. Mississauga supports the principles of the greenbelt plan, and we have already submitted comments to the Ministry of Municipal Affairs and Housing and the Ministry of Public Infrastructure Renewal regarding the draft greenbelt plan and Bill 135. These were reports on November 16 and, on the growth plan, August 17, 2004.

We acknowledge that the greenbelt is the cornerstone of the greater Golden Horseshoe growth plan. There must be permanent protection of key environmental features and agricultural lands, which provides the environmental framework for growth management in the greater Golden Horseshoe. In addition, Mississauga acknowledges and finds merit in the recommendations in the letter dated December 3, 2004, to the Premier from the Municipal Leaders for the Greenbelt to expand the greenbelt to include natural heritage features, adding 800,000 acres, and the area between the existing settlement area and the proposed greenbelt, adding 180,000 acres.

Although the greenbelt is not located in Mississauga, the plan identifies connections from the greenbelt to Lake Ontario through Mississauga via the Credit River and the Etobicoke Creek river valleys. The location and extent of the greenbelt will, in part, determine the location and form of future development in the greater Golden Horseshoe and therefore the greenbelt plan will have an impact on future development in Mississauga. For example, the extent of the greenbelt in Brampton, the Bram West secondary plan area and the northwest portion of Brampton will have an impact on future development in Brampton and surrounding municipalities, including Mississauga.

Brampton is currently preparing a series of background reports examining the potential to expand the current urban boundary to include approximately 6,000 acres in northwest Brampton. If approved, this area could accommodate 51,000 to 113,000 persons, depending on density, and 21,000 employment opportunities.

Future development, the amount, type and location in Brampton and elsewhere, will have an impact on Mississauga in terms of, primarily, environmental concerns, as raised by the conservation authorities, including downstream flooding, erosion and storm water management; increased traffic and gridlock, and transportation planning; growth potential for Mississauga specifically—will

we be able to achieve provincial intensification targets?—and financial, and this refers to Mississauga's contribution to the regional budget. While noting these concerns, Mississauga does support Brampton's comments on the greenbelt plan and Bill 135 regarding the mapping concerns, the need to establish the basis for buffer zones and that the greenbelt plan should be considered with the growth management plan.

**1010**

You may ask again, "Why is Mississauga here when we have no greenbelt lands in Mississauga?" So I'm going to conclude by reiterating our position. Mississauga is strongly supportive of the province's initiatives to manage growth. An integral element of a sustainable growth plan is environmental protection. We recognize that the final determination of the greenbelt throughout the greater Golden Horseshoe will have a significant impact on the location and extent of growth within the current settlement areas. While the lands are not in Mississauga, the health and protection of the environment affects everyone. It should also be noted that all members of Mississauga council are also members of Peel regional council and, as such, we recognize the importance of the environment throughout the region of Peel. We know that to protect valuable green spaces in the greater Golden Horseshoe, Mississauga must also do its part; that is, accept more growth through intensification. We are willing to do this as our contribution to a healthier and more livable community.

I'd like to thank you for listening to us today.

**The Chair:** Thank you. You've left about three minutes for each party, starting with the government side. Ms. Van Bommel.

**Mrs. Maria Van Bommel (Lambton-Kent-Middlesex):** Thank you for your presentation. I hope that Mayor McCallion is enjoying India.

**Ms. Saito:** I haven't heard from her, so she must be having a good time.

**Mrs. Van Bommel:** She's quite the lady.

Because you're not part of the greenbelt specifically, we've heard a lot of different things, such as, there are people who feel we should delay moving forward with this, and there are others who are saying we need to move forward quickly. What would your opinion be in terms of the timelines for this?

**Ms. Saito:** As I mentioned, we feel very strongly that the greenbelt plan should not proceed in isolation of the growth plan. The two plans are really integral to each other, and we feel there's a need for the growth plan to move forward. We need that, and I know the other municipalities, particularly I think in the GTA, the 905 area, really need that growth plan.

Having said that, however, I also don't believe in moving forward until you've heard all the arguments from across the province. I know you're doing that now, but I would hope that when you've heard everyone and come to your conclusions, both plans would be proceeding together.

**Mrs. Van Bommel:** You want to move forward on both of them. And do you feel that you would benefit



from what some people think is a leapfrogging beyond the greenbelt?

**Ms. Saito:** Leapfrogging beyond the greenbelt can create its own unique problems, mainly transportation problems. I think we've all seen the results of that. We're fortunate in Mississauga—or unfortunate, as the case might be, if you look back over the years—that Mississauga was determined by the province to be fully urbanized and we had no opportunity to preserve any of our agricultural or greenbelt lands. We're down to one working farm right now, which is in the area I represent. I would like to fight to hold on to that working farm, quite honestly. It's a gem in our community.

We did have some leapfrogging internally when the community I represent, Meadowvale, was built. There was a big gap—the hole in the doughnut, as you might remember it being called—and it created problems. So I can see a lot of problems with leapfrogging.

**The Chair:** Thank you, Ms. Saito. From the official opposition, Mr. Hudak.

**Mr. Hudak:** Thank you, Councillor, for your presentation. It's rather ironic to have Mississauga here in the context of where the government has taken this initiative. Mayor McCallion, of course, is playing a very key role in leading the Smart Growth initiative, which was a more comprehensive approach. It was related to managing where growth would be and the preservation simultaneously, and the infrastructure plan. For whatever reason, whether it was some green envy or they had to rush out their own plan or put a red ribbon around it, the government separated all the parts out. You have the Minister of Agriculture over here, who has abandoned the field, has done nothing for farmers in the greenbelt area. Minister Caplan, while he introduced a bill on the same day, has also gone into hiding.

**Mr. Rinaldi:** It's coming.

**Mr. Hudak:** Like the Maple Leafs are going to win the Stanley Cup, I keep hearing "It's coming." But it hasn't—

*Interjection.*

**Mr. Hudak:** The Red Sox, OK. The Red Sox won the World Series. He's getting me off track.

It just demonstrates how this greenbelt, in our opinion—and we're hearing it more and more—has become a greenbotch, because all the pieces have been separated. You made an excellent point that it should proceed hand in hand, the growth plan along with the conservation efforts. I sincerely hope they will deliver on that but, sadly, I'm increasingly pessimistic. In fact, they wanted to actually jam this legislation through before Christmas.

I appreciate the points Mississauga made, and I agree fully that they should proceed hand in hand with Places to Grow, the agriculture strategy, and the greenbelt initiatives. Sadly, they are dispersed, and it has become chaos.

**The Chair:** Ms. Churley.

**Ms. Marilyn Churley (Toronto–Danforth):** Thank you for your presentation. You mentioned, and I know

that's where the Conservatives and others are at, the idea of waiting until the Places to Grow Act is in place. Then we had farmers yesterday asking that we wait until we have a complete farm viability plan in place etc.

My concern about that—and I have a lot of problems with the greenbelt as it is and will be making amendments to try to fix those, leapfrog being one of them, and the implications of that. But if this bill were to be held up waiting for God knows how long, especially the farm viability and Places to Grow, what would happen to all those lands? Would you recommend that they continue to be frozen until such time? Because otherwise they'd be freed up and, of course, bought up like that and developed. How would you deal with that?

**Ms. Saito:** Well, putting holding zones on lands is not uncommon; we do it all the time in municipal government while we're waiting for bylaws, design guidelines and other things to go through. When we're dealing with an area in which we're not really sure of where it's going to develop, we do use the holding zone under the Planning Act.

I'd like to stress that we're not suggesting that anything be held up. We have been urging that the growth plan has to move forward, that both plans have to move forward.

**Ms. Churley:** Which I would agree with, by the way, that part.

**Ms. Saito:** I agree with you that there's all of that uncertainty to the landowners, to the farm community and to the developers as well of what's going to happen to that land. We do need to move forward. I'm not sure what timelines the government is going to be on on this. We have very little control over that.

**Ms. Churley:** I don't think they do either.

**Ms. Saito:** But we are asking that the greenbelt plan move forward at the same time as the growth plan, and, as I'd really like to stress, that they both move forward expeditiously.

**Ms. Churley:** If you were given the understanding that the growth plan is not going to be ready for some time, because we don't have a date on it, would you propose moving forward with the greenbelt as is? I guess the question comes back again to, how long can this be sitting out there, because of the uncertainty around it as well for everybody concerned?

**Ms. Saito:** Ed Sajecki—I should have introduced Ed; I'm sorry—is our commissioner of planning. Ed is just reminding me that as a council we do not have a position on that. So what I'm going to say is really my own thoughts; I'm not speaking on behalf of council here.

If there is going to be a great delay in the growth plan, then no, I don't think the greenbelt plan should be held up, because you need to get some of those decisions made. Otherwise, decisions could be made, as you said, in the interim that would impact whatever the end result is of the greenbelt plan. That would be unfortunate, because once you lose something, it's impossible to get it back. So I think the protection is very critical.



Which comes first? I guess if I were to say which one would be first, I would probably say the greenbelt protection would be moving slightly ahead of the growth plan, but I just find it very difficult to separate the two.

**Ms. Churley:** Thank you very much.

**The Chair:** Thank you very much, Ms. Saito, for your delegation. We appreciate your being here.

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#### PEEL FEDERATION OF AGRICULTURE

**The Chair:** Our next delegation is the Peel Federation of Agriculture, Nick De Boer.

**Mr. Nick De Boer:** Thank you very much for allowing us to speak. My name is Nick De Boer. I'm representing the Peel Federation of Agriculture today.

Agriculture and the greenbelt—the final straw.

**Agricultural viability:** The greenbelt is what has pushed agriculture to the edge. This issue has been simmering on for too long. It's time to address the issue that no one will deal with, and that's farm viability. Agricultural viability is a large enough mass of profitable farm businesses that can support a varied agricultural supply network while enhancing the surrounding countryside.

When you look at the town of Caledon, the Peel Federation of Agriculture represents farmers in Caledon, Peel and Mississauga. As was noted, there is one farming operation in Mississauga. When we talk about our businesses—here's Peel region; the greenbelt runs through this area here.

**Dairy equipment:** We have to drive from Barrie for dairy supply equipment. Kitchener-Waterloo, down in this area, is another area; and Arthur, up in this area.

For farm equipment, we're dealing with businesses in Erin, which is in Wellington county, about here. We're also dealing in Barrie, Elmira and Guelph. There are some farm equipment dealerships in Caledon—one is in Nobleton, right over here on the border, and there's also one in Inglewood—but those are dealerships that don't stock a lot of agricultural parts and supplies. They're primarily businesses that deal with lawn and garden equipment, with an ag line as a supplement to it.

**Cropping inputs:** There is one dealership in Brampton, an elevator. It won't be there that much longer. It's on its way out, because it's a fairly big growth area. Crop elevators are fairly noisy, and people don't want to have them in their area. That's in this area. The rest of our cropping inputs come from either Bolton, which is in Caledon; Orangeville, which is in the northern fringe; or Alliston.

**Livestock sales:** If we're to sell our cows, we've got two yards, one in Cookstown and one in Kitchener.

What we want to do as agriculturalists is to provide safe, abundant, nutritious food at a fair return to the producer while protecting and enhancing the rural environment.

The land is a farmer's largest asset. That seems to be the big issue here today. We need to respect the present

and future landowners. Land is used as a retirement fund, even if it's purchased by family members. The problem is that if the farm business isn't profitable, then the land has to be sold at a reduced price, and that has a negative effect on the retiring individuals. If the operation were to locate somewhere else because expansion is impossible, then we'd have to have somebody who would be willing to purchase what is there so that the operation could move to another location.

Every landowner should be allowed to maximize the best possible use for their land while not negatively impacting the environment. I think agriculture has been doing that quite successfully, with very little intervention and very little support from the government.

Land is a business asset. Land is not the important part of the equation for food or for agricultural production. We've got hydroponics that eliminate the need for soil altogether.

Mapping needs to be done with landowners. We've had an exercise that the Peel Federation participated in, in Caledon, that showed there were a number of errors within the greenbelt as far as the mapping is concerned.

Garth Turner writes in the winter edition of *Caledon Living*: "The winners are people with properties already in use as homes or businesses, because they will become inherently more valuable over time. The losers are farm families who overnight will be stripped of their ability to sell their land at a decent price."

**The food producer:** This is what's important. This is the farmer. This is the knowledge and expertise that is brought to the table. This is the ability to turn sunlight, rain, soil and seeds into food for your table.

How did we get here? The OMB, the provincial agency, essentially made planning decisions overruling local governments. The cities are poorly planned and allowed to spread. Agriculture is forced to sell due to a cash crunch. We don't have the money to expand. We don't have the money to continue on, so that when an opportunity comes that we're allowed to sell this land we can take our knowledge, our experiences and abilities to another area of the province with some money to allow us to continue to produce food for this province.

Then we have the conflict between commuters and agriculture. It continuously increases, especially in our community where we end up being in the middle of the businesses to the south and the affordable homes even farther to the north. I think this was addressed through the discussions about leapfrog, and this will only get worse.

The available options that we see are: to implement OMB control reforms to strengthen local controls; increase the density in the settlement areas; and strengthen the Farming and Food Production Protection Act to ensure that there are laws against trespassing; and to allow the operations that are there to continue without conflict with the neighbours.

In the big picture, financial viability must be addressed first. I think a lot of my members and a lot of people in the agricultural community have been bringing that to the table throughout the last four days. That is the



most important thing. The greenbelt is just the last piece of legislation that has been sent, and this is the one that has tilted the table, so to speak.

The agricultural community must be represented on any board or commission that may be developed from this exercise; for example, the Oak Ridges Moraine Foundation has no agricultural representation.

On the local level in Caledon, we would support a move of the southern border of the line to the boundaries of the Oak Ridges moraine and the Niagara Escarpment. This would allow local policies to prevail. The Peel federation spent many years working with the town of Caledon to develop OPA 179, which theoretically, matched with a number of other things, including provincial and federal dollars to make agriculture sustainable, will help to continue to have agriculture in the community. This is a plan that was developed locally.

We need to have consistent rules for a large area so that we can reduce the regulations. We've got an area here that could conceivably be very small in total land mass but be covered by four levels of regulations. Oak Ridges moraine, Niagara Escarpment, protected countryside and Caledon OPA 179 are potential growth areas. So we've got a very small area and, in most cases, which side of the road you are on will dictate as to what you end up with. This would also apply to the 800 acres that our members own presently in the city of Brampton that are also designated as protected countryside.

As far as the GTA and things the province can help with: Assist the local GTA federations and regions to attempt to deliver the agricultural action plan. I believe you had a presentation on the action plan. It's something that will be unfolded to the regional councils and the regional chairs within the next three weeks.

I would also suggest that the government make use of an OMAF-produced report, the Dufferin-Caledon life sciences and agriculture report that was released I think about two years ago. I would also suggest that you utilize the TRCA/CVC rural clean water program to deliver money to agriculture.

All these programs are already there, and to some degree or another, up and running; very easy to continue on with.

Another recommendation is to take more time before passing this law. Assess the entire area using our definition of agricultural viability.

We want you to enable a fair and simple appeal process so that if there is something that's missed, there is some way to address it, instead of going straight to the minister.

Require that lands in the future that are required for public use are paid for at off-greenbelt prices. Many of our members in Caledon have come back with repeated stories of being moved off land that was in the greenbelt, in the Mississauga area and in the Brampton area, only to find those lands sold at higher prices later on, as the government decided they didn't need them.

The prime agriculture land designation has to be changed to rural to allow for broader uses, as opposed to what's available on the prime agriculture designation.

Beyond the Oak Ridges moraine: All the requirements for agriculture have to be based on science. This also refers to the Nutrient Management Act and the clean water act or anything that comes through. We need to have a science base behind the regulations. This includes the greenbelt.

We need to increase opportunities for additional income. That's for the entire agricultural industry. We also need to increase support for agriculture with both financial assistance programs and technology transfer. This is an area that OMAF should be the leader in.

I leave you with this picture: When you look at the first one, there's a nice rural landscape, a farming scene that you would like to see out there, with sunflowers growing, but if you look in behind, there is the Cheltenham brick factory: This area is a working landscape. We all need to develop as much profit out of our land as we can to remain viable.

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**The Chair:** Thank you, Mr. De Boer, for a very attractive presentation. You've left about a minute and a half for each party, beginning with the official opposition.

**Mr. Hudak:** Nick, a great presentation: I want to commend you for your work, and on behalf of Caledon council as well. I had the pleasure of joining with you at that meeting. I believe there are 69 errors that were brought forward and confirmed by the municipality in one meeting alone. Maybe you could verify that. Secondly, on a scale of 1 to 10, from 1 being very poor to 10 being excellent, what's your confidence that the government has the science right?

**Mr. De Boer:** By the maps and a lot of the information, your numbers are right. I think we were told 69 different errors. As residents and as farmers, we have very little confidence in the science. When we look at one operation, primarily the map, and Mr. Doyle was shown it, one map has a farm of approximately 100 acres where over half of it was viewed as being woodland; in fact, there was no bush on this property at all. This was a property that has all the features on it: greenbelt, Oak Ridges moraine plus this growth area. That's where you need to have local people having a look at the maps, having a look at what there is there and showing us what's on their properties. We used current aerial photography to show it.

**Mr. Hudak:** So 1 to 10?

**Mr. De Boer:** As not being good science, 9 or 10.

**Ms. Churley:** Thank you for your presentation. I just wanted to ask you—I don't have enough time, and you went into some of it—with or without a greenbelt, what are the priorities you need to see in place when you talk about viability? There are lots of issues around BSE and low commodity prices and a whole bunch of stuff. What would you like to see the government do right now that would make a difference?

**Mr. De Boer:** We need to have farm income stabilization. When we look at competing against the US and Quebec, we are at least half to 25% lower in the prices



we get. When we get a government that is willing to step up to the plate when farmers are having difficulty and ensure that they have dollars in the bank account so they can pay for their seeds to go in the ground this spring, which is what the Americans do—they put money there in the fall and in the winter, so that the farmers have the money. That's what we need. We need assistance. We can compete on a worldwide basis with anybody in agriculture, but we cannot compete against the treasuries of other provinces and other large governments. So there is no one answer.

**Ms. Churley:** But this is a priority for right now.

**Mr. De Boer:** This has got to be a priority. We need dollars, because we are a terminal generation. The last farmers are on the land today. If you think there's a problem with doctor shortages, when the last farmer leaves, I think we've got a problem.

**Mrs. Van Bommel:** Thank you, Mr. De Boer, for your presentation. I absolutely agree with your slide, "How did we get here?" You're talking about the OMB. As a government, we have changed the Planning Act so that we put more power into the hands of the local municipalities and local councils so that they can avoid exactly what you're talking about there.

When we talk about such things as the suppliers and that, do you think suppliers would come back into your area if they were sure there would be customers they could do business with in your area?

**Mr. De Boer:** No. The vast majority of the suppliers we deal with have diversified. The equipment suppliers that are there will remain only because they supply the non-agricultural market. As for the fertilizers, the grain elevator, there isn't the critical mass of farmers left, I would say, below the Niagara Escarpment and the Oak Ridges moraine—within that inside area. I spoke to many of our suppliers that I deal with and they do not see the growth. With the lack of dollars in the industry, especially in the grain and oilseeds industries, the lack of dollars is going to make fewer and fewer of those farmers have the ability to support those industries.

**Mrs. Van Bommel:** Did the Peel federation participate in making a presentation to the Smart Growth panel?

**Mr. De Boer:** I believe they did. I don't know. I did not.

**Mrs. Van Bommel:** What was your position at that time on preservation of farmland?

**Mr. De Boer:** We can preserve farmland but we have to do it with viability in mind. In some of these areas, when we use our definition of viability, we need a critical mass of agriculture to support the industries that support agriculture. People have been able to buy 100-acre and 50-acre parcels of land. These are parcels of land that the town of Caledon, through the Peel Federation of Agriculture, tried to maintain as 100-acre parcels but, through the OMB, were allowed to be split into two 50-acre parcels. That was just recently. So we do support the preservation of agriculture, but it has to be done using the viability definition that we use. We need a critical mass.

You can't move farm equipment on roads with no shoulders, where we've got 2,000 and 3,000 cars a day on the roads. That has to be addressed. There are a number of things in here that are keeping farmers from being viable, and that's what will affect, in the long term, what lands should remain in agriculture and what lands it makes sense to keep in agriculture.

**The Chair:** Thank you, Mr. De Boer, for your time.

**Mr. De Boer:** Thank you very much for the time, and enjoy the rest of your day.

## KING ENVIRONMENTAL GROUPS

**The Chair:** We're going to take a minute or two to take down the screen, and when we get the screen down our next delegation will be King Environmental Groups.

Good morning and welcome. Could you identify yourself and the group you're speaking for for Hansard, and when you begin you'll have 15 minutes.

**Mr. Jeff Laidlaw:** My name is Jeff Laidlaw. I'm speaking on behalf of King Environmental Groups. You have been handed a book like this. You'll find the presentation is inside that. The book is yours to keep after this. The presentation will tear out. It's tear-away tape. It's pretty simple stuff. That's just so you're familiar with King and can see what King is all about.

I am the chairman of King Environmental Groups. For background, King Environmental Groups, or KEG, as it's more frequently referred to, is a coalition of King City Preserve the Village Inc., Concerned Citizens of King Township Inc. and Nobleton Alert Residents' Association Inc. I will primarily focus on KEG's view of King township's local issues in reflecting on the greenbelt legislation.

KEG was formed primarily to represent the common interest and belief of the three mentioned groups that the York Durham sewer system—YDSS/big pipe—should not be allowed to hook up to King City, the issues being the destruction of farmland, the creation of new lands for urban sprawl, the destruction of a rural way of life, the destruction of the environment, financial considerations and, probably most importantly, fresh water supply concerns.

KEG was thrilled with the introduction of the Oak Ridges moraine act and plan and hailed it as the protector of King township. Foolishly, on first review, it appeared that King township's rural nature would be preserved and protected. On further review, the exceptions started to make themselves known. Nobleton and King City were defined as settlement areas. Using King City as the example, under planning guidelines, King City would not only be allowed to grow, but that growth also called for intensification of up to four units per acre. A small rural village of 5,000 people was now legitimately threatened with a potential population of 45,000 people. KEG has argued against the YDSS servicing choice for King City as it is the harbinger of growth; as York region has insisted that King City be serviced by an 18-inch force main, which by our calculations will allow for growth of



King City to some 60,000 people, despite an official plan for growth to 12,000.

KEG has delivered presentation papers to the Ministry of Municipal Affairs and Housing; the Ministry of the Environment; the Environmental Commissioner of Ontario; the Ministry of the Attorney General; our MPP, Mr. Greg Sorbara, Minister of Finance; and Premier Dalton McGuinty, outlining our allegations that the King City YDSS hook-up will contravene the Oak Ridges moraine legislation in five separate areas.

For a moment, with this in mind, I will re-draw the focus of this presentation back to the Greenbelt Act and some of the issues of contention.

First, ambiguous terminology: Like the Oak Ridges moraine act, the Greenbelt Act allows for infrastructure where there is a demonstrated need and no reasonable alternative. In King City's case, the demonstrated need has been a trumped-up health issue. Despite peer review which clearly indicated the dubious merit of a health concern and a complete lack of scientific supporting documentation and evidence, the government of Ontario has bought into this alleged health issue.

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KEG would suggest that politics and the political support of a wealthy development industry has caused the McGuinty government and the itinerant bureaucrats to turn their heads the other way; to refuse to review the documentation; to conveniently sidestep the issue. It's simple, expedient and convenient to ignore the facts in favour of supporting the development of some 2,300—minimum—more homes on the Oak Ridges moraine, despite assurances prior to the election by Dalton McGuinty that the government of Ontario was planning to stop further building on the Oak Ridges moraine.

In the matter of reasonable alternatives, peer review in King City's case has clearly shown that there are no fewer than four reasonable and/or feasible alternatives to the big pipe for sewer servicing for King City. Again, KEG feels that these alternatives have been given short shrift in review, and our drawing attention to these matters has fallen on deaf ears within all ministries.

Having told the story and given the illustration, I will now expand on the issue of concern for the Greenbelt Act.

In KEG's view, and based on our experience, we foresee the so-called greenbelt potentially being covered, in King at least, with the 427 extension northbound, a new and integrated hydro network and, in King City—and, we suspect, in due course, Nobleton—urban sprawl. This, to our way of thinking, is completely contrary to the intent of the greenbelt. It seems clear that we are dealing with image over substance.

The second issue stemming from the King City example is simply one of enforcement. KEG has spent considerable time, money and effort in bringing forward lengthy and well-thought-out discourses on the, to us, obvious contraventions. We have presented to the Ministry of the Environment, for example, an 88-page document alleging contravention of the Ontario Water

Resources Act with the hook-up of King City to the YDSS. By our calculations, the hook-up of King City and a population of 12,000 people will lead to a net water supply deficit of one billion litres of water per annum. For your information, we note that on April 30, 2004, York region held a public meeting at which the water supply issue was the main topic and at which York region admitted to a shortfall in supply.

KEG was encouraged when the Greenbelt Act was presented. In its draft format, it stated that towns and villages within the greenbelt could not be serviced by Great Lake-based water or sewage treatment systems. This, to KEG's way of thinking, would halt the YDSS and would give the MOE reason to pause. It is, however, unfortunate that at a meeting of January 24, 2005, in King township, the director of planning for King township noted that the clause with respect to Great Lake-based water and sewer systems was, according to his discussions with the Ministry of Municipal Affairs and Housing, to be amended and/or deleted. KEG feels that the original intent—that is, that the greenbelt plan be consistent with the source water protection plan and the annex 2001 agreement—has been sidetracked.

The issue, though, comes down to the ability to enforce and follow up on the contraventions. For the record, KEG maintains that the big pipe connection to King City leads to contravention of the following acts: the Oak Ridges Moraine Conservation Act and plan, the Ontario Water Resources Act, the Fisheries Act and the Canadian Environmental Assessment Act. These allegations have fallen entirely on deaf ears. We have received limited acknowledgment of our allegations and no definitive responses.

Our lawyers have been continually notified and have advised us that we can go to court over each of these allegations and that we are in the position legally of pursuing private prosecution. The cost, however, for a small grassroots organization is absolutely staggering. One of the basic tenets of law is that it be accessible to the public. In today's world, this is not the case.

KEG feels that if one wants a meaningful Greenbelt Act/Oak Ridges moraine act, then one of two things must occur: (a) There must be the opportunity for individuals and grassroots organizations to challenge the rules without having to mortgage their lives; and (b) the government must respond to challenges with the broad public interest in mind.

It is simple enough to implement an act like the Greenbelt Act, and in fact the broad public support for the concept is arguably what created the act in the first place. The difficulty lies in the exceptions, the ambiguous and wilfully manipulated terminology and the commitment that the Ontario government has, or does not have, to the basic precept.

The third issue I wish to deal with today is the question of exceptions. King City lies 100% on the Oak Ridges moraine. The scientific community has created a sound and reasonable case for the ongoing protection of this vital water recharge network, which resulted in



legislation which theoretically was to protect the Oak Ridges moraine. Unfortunately, King City was created as an exception. It was, for whatever reason, defined as a settlement area. There is no legitimate reason for this definition that we can ascertain with the exception of the desire for growth by York region and selected King township politicians.

As mentioned previously, King City is a small, rural village of 5,000. It supports few retail outlets and very limited industry. It's in the southeast corner of King township, a rather large and undeveloped land area which has as its major industry agriculture. In fact, the only draw that KEG can see for interest in King City by the development industry is large tracts of undeveloped land within close proximity to Highway 400 and the city of Toronto.

Oddly enough, one might think that King township was the ideal example of what the Greenbelt Act is trying to preserve: large areas of undeveloped land, grade A agricultural lands and what the Oak Ridges moraine act is trying to preserve—water recharge networks.

It appears to KEG, however, that York region with its growth-related agenda, in co-operation with various government agencies, bureaucrats and politicians, has managed to give the development industry the foothold necessary to utilize this land in ways completely contrary to the intent of the Greenbelt Act.

By the same token, the village of Stouffville has received the same treatment and, as I understand from the greenbelt public meeting in Caledon, there are exceptions across the entire proposed greenbelt area where one might think logically the land should be included in the greenbelt but for whatever reason is not.

King Environmental Groups recognizes the limitations and the wide and varied interests in putting forward any acts. We recognize that, for example, financial planning and considerations should be given to the farming industry. We recognize that southern Ontario is anticipating a net migration to the GTA of an additional four million people. We fully applaud and support the conceptual frameworks of the Oak Ridges moraine act and plan, the Greenbelt Act and plan and the Places to Grow paper.

On the other hand, KEG feels that the exceptions, the enforcement issue and the terminologies lend themselves too easily to interpretation, manipulations and abuse, which makes one suggest that the Greenbelt Act in its current form is an exercise in image over substance.

We encourage this standing committee on general government to ensure that the finished products are substantial.

From KEG's standpoint, we believe a commitment to the greenbelt and the Oak Ridges moraine would be proven out by stopping the YDSS connection to King City.

Thank you for the opportunity of reflecting these comments.

**The Chair:** Thank you. You've left just over a minute for each group, beginning with Ms Churley.

**Ms. Churley:** Thank you very much for coming. As you know, I've raised this issue many times in the Legislature in questions and in speeches. I'm not quite sure still if the government understands why this should not go ahead because it's not mentioned in the proposed growth management plan as an area for growth, and appropriately so because it sits on the moraine, which is really in the heart of the greenbelt on prime agricultural land and the headwaters of the Humber River. When I first raised it in the House, in fact one of the Liberals actually yelled out at me, "What does this have to do with the greenbelt?"

I think that what is important is that, on one hand, the government's bringing forward this greenbelt, we have a lot of concerns about what's been left out, but we also have this major concern about this particular piece, which goes against the grain of everything that's been said about stopping urban sprawl—some leapfrog development. The question would be, they've raised the issue of health, the health concerns, and you mention that. What are the alternatives?

**Mr. Laidlaw:** Certainly if there were a legitimate health concern—and I'm not going to give that the veracity—one could put in a local communal solution. There are four alternatives that have been identified that would be affordable quite easily and in fact cost considerably less than the YDSS.

The other option, which would be even simpler and cheaper, would be to fix whatever broken septic systems there may be. Quite honestly, there are very few that need fixing.

**Ms. Churley:** So there are alternatives. So you think it's more about growth and development?

**Mr. Laidlaw:** To my way of thinking, this is very much about growth, yes.

**The Chair:** Thank you, Mr Laidlaw. From the government side, Ms Matthews.

**Ms. Deborah Matthews (London North Centre):** I have a question for you. Do you support the greenbelt legislation?

**Mr. Laidlaw:** I support the conceptual framework of the greenbelt legislation. I support the direction that I think it's going.

**Ms. Matthews:** Do you think we should delay it?

**Mr. Laidlaw:** I think there are some issues that certainly need to be considered. If you delay implementing the act, then you should probably maintain a freeze until such time as you put an act in place. That would be the best answer I could give you.

1050

**The Chair:** For the official opposition, Mr. Yakabuski.

**Mr. John Yakabuski (Renfrew-Nipissing-Pembroke):** Thank you for your presentation this morning. It would seem that regardless of what side of this debate you're on, one thing is consistent, and that is "image over substance"—you used the phrase twice in your presentation. It seems that this is what the government has tried to do because of their polling, not planning; because of



politics, not protection. They've trotted out this greenbelt plan because they believe it's got popular support within certain areas. Without any regard to the effects of it, they're just shoving this out here, saying, "Here we are; we're going to take care of everything because we're the new Liberal government and we fix things."

This area that you're talking about, I believe, is part of the finance minister's riding. I can't imagine there would be any politics involved. I think the one thing that's consistent is that there's a lack of planning involved here, whether it affects your group or the farmers we've heard throughout these days of hearings.

*Interjection.*

**Mr. Yakabuski:** My friend from the third party says we can't delay this because the bulldozers are lined up outside waiting for the go-ahead to pave over everything that's green. But I think it is important that we take the time to get this right. It's better to get it right than to have to admit five years down the road that we've got a mess. I think that what you've raised today is a legitimate concern. I thank you for joining us.

**Mr. Laidlaw:** Thank you for that statement.

**The Chair:** Your time has expired. Thank you very much for coming today; we appreciate your being here.

#### SPRING HEDGE FARM

**The Chair:** Our next delegation is Spring Hedge Farm. Good morning. Will you be the only one speaking today?

**Ms. Lynne Moore:** The three of us will be speaking.

**The Chair:** OK. Could you sit down and tell us your names for Hansard, and the group you represent. When you do begin, you'll have 15 minutes. If you use all the time, I won't be allowed to give an opportunity for people to ask you questions. So use your time accordingly.

**Ms. Moore:** My name is Lynne Moore. These are two of my three sons: David and Brent. We live on a dairy farm at 13299 Heritage Road in Terra Cotta. It's part of the town of Caledon in the Peel plain.

**Mr. David Moore:** My name is David Moore. I'm 13 years old, and I go to Herb Campbell School. I'm active in 4-H and Air Cadets, and I dance. I like to show my calves at fairs, and I drive the tractors around the farm. I would like to have a chance to farm someday.

**Mr. Brent Moore:** Good morning. My name is Brent Moore. I'm an 18-year-old student at Robert Land Academy. I'm active in Army Cadets, and I'm working on my National Star training. My brother Brian would like to be here to speak to you today, but he's working on an electrical apprenticeship.

I wanted you to see us because we're basically part of the future of farming. If you zone us as greenbelt, that could be taking away our future. My mom here will speak to you about the details.

**Ms. Moore:** About 23 years ago, I married a dairy farmer. At that time, I knew that it would be a long road full of unique challenges. In 1982, my husband and his

father were operating a 200-acre farm with the help of a full-time herdsman and a student each summer. I got a job away from the farm to help save money and prepare for our future together. We now have three sons—you see two of them today—and I continue to hold a job away from the farm in order to be able to afford the day-to-day needs of our home and children.

I am the first generation of farm wife who has needed to work off the farm, even though there's enough work for me to do at home. When I finish work away, I come home and assist with the farm. Brian, Brent and David help after school and on weekends.

Over the years, it became more and more challenging to keep a full-time herdsman. Not only did no one want to work that hard, but living so close to Brampton and Toronto, jobs were readily available for those who wanted easier work with all weekends off. Because of this, we had to sell some milk quota, cut back the number of cows we milk and do all the work ourselves. We no longer have a full-time herdsman, and last summer we were not even able to hire a student for the whole summer. None of the students worked out and, during my holidays from my other job, I milked cows on our dairy farm.

We do have three sons, as I've mentioned before, but Brian, our oldest, is working on his electrical apprenticeship; Brent, our middle son, worked last summer as a staff sergeant at Camp Borden; and our youngest son, David, was lucky enough to be chosen for an Air Cadets camp at Trenton. We need our sons to pursue more than just the farm, as we see the farm offering them less of a future each year, especially if we have to stay in the GTA.

If you look at the map on the last page, you'll see that our farm is located on the Peel plain in the township of Caledon. You've only left one concession, which is five farms deep, south of the Niagara Escarpment. There is no environmental reason why our land should be within the greenbelt, especially when there's so little farmland on this side of the escarpment. The way this greenbelt map has been drawn, about 15 farmers have been left on the Peel plain to fend for themselves, using some land that's idle because other farmers aren't using it, and then their own. The logical dividing line would be the escarpment.

I've worked with Mayor Morrison, the town of Caledon, the Caledon Countryside Alliance and other farmers on the Peel plain. The town of Caledon, the environmentalists and the farmers are all working together. We all agree that there's not enough land left on the Peel plain to leave farming viable and that the best way to save agriculture is to move the greenbelt up to the natural southern boundary of the escarpment. There is no longer any agricultural infrastructure. Instead, we are surrounded by the infrastructure for development. A GO train station is opening on Monday, five minutes away from our farm. Shopping and jobs are not much further.

I do see the need for environmentally fragile land to be protected and I also see that we must have enough good farmland to produce healthy food for everyone in this



country. I think that if the farmland in this area had been protected about 30 years ago, then we would have had a chance for farming to be viable in this part of the GTA. However, with development on our doorstep, it is too late to protect our land. I do recommend that other agricultural areas be looked at immediately and protected for agriculture before it's too late, as your greenbelt plan is sure to trigger urban growth in the surrounding communities just outside the greenbelt.

Many who live in the GTA think this plan is wonderful and would like to protect even more in this area. The problem is that the only ones who are paying for this greenbelt are those of us who are on the farms, living and farming in this area. We have noticed how many parcels of land sold to developers prior to the greenbelt managed to stay just outside the protected area. My understanding is that 82% of the public wants this greenbelt. Well, if 82% of the public want it, then all the public should pay for it, not just a few farmers, especially at a time when farming is tougher than it has been for generations.

The costs have continued to soar, while each year, especially in the last, we make less. Over the last 10 years, most of the agricultural grants were not offered in our area, as we live in the GTA and the government did not want to invest in farmland that would soon be urban. We pay higher taxes and higher insurance rates as well. Then in the last 10 years, as there is no agricultural infrastructure anymore, we must drive over an hour and a half each way to get machinery, feed and all the other products we need. We go to Elmira because that's where we get quality. We also must pay mileage to companies to come out and bring service on top of the cost of the actual service. We've lost over 25% because of BSE alone. Now you want to zone our farm greenbelt or protected countryside, lowering the value of our land at a time when we need to sell and move to a more agriculturally based community.

Farm life is tough these days—so tough that many are thinking about giving up. One of my family members is getting to that point now. She, at only 43 years of age, farms a property a few miles south of us. Along with her husband's family, they have been operating a very successful farm on the same property for six generations. During the last few years, with development getting closer and closer, numerous costly government regulations to implement, the Bram West Parkway proposed to go through their property. And now the greenbelt—they're ready to give up. Due to the fact that 90% of their farm is now zoned natural heritage, they cannot even sell the farm as an estate lot, not that anybody wants to build their fancy estate lot on a property where a six-lane highway is going to go through the middle.

**1100**

They're on the brink of selling the quota now, and they've even put it on the market. They're just not sure what they're going to do with the apples. Their farm in the city of Brampton has been left, along with two other farms, to try to survive alone. There's something terribly wrong with a greenbelt plan that is set up to protect

farmland but instead makes farmers give up and throw in the towel.

Just to top off the whole challenge for us, we were informed last year that the highway quietly referred to as the GTA east-west corridor is proposed to go right through our farm. I also understand that in August our provincial government will be announcing three mega-dumps to support Toronto in the GTA. One of these landfills will be in the east, one in the west and maybe one in the north. When you look at the maps and see the Bram West Parkway coming right up from the 401-407 area and stopping at Mayfield Road, it is very probable to me that this west GTA landfill could end up right on my farm and the farms that are included in this 1,000-acre block. Why else would a six-lane highway come up and stop just south of the greenbelt?

These dumps can even be larger than 1,000 acres, and will continue to ruin all the farmland that surrounds us as well. Is this your interpretation of good use for greenbelt land? I see what you are saving this little strip of land south of the escarpment for. A dump goes against everything I know to be pure, clean and green. What a greenbelt.

How are we supposed to continue to maintain our buildings and land, knowing that someday in the future this could all be pavement or a dump? We know that we will not be paid for the improvements we make here, yet we must maintain these buildings and this property in order to be viable. Nutrient management is just another requirement the provincial government will have us comply with in the near future, and this could cost us as much as \$200,000. We could be better spending and investing this money, plus all our time and effort, toward a farm where we can settle and have a chance to be a successful farm family.

We must also start making plans for our sons. At 21, 18 and 14, it is the time. If we want to bring even one of our sons into the operation, we would need to milk at full capacity. To milk at full capacity, we would need to buy more land to comply with nutrient management. There is no land available here for expansion. If things don't improve soon, though, we will have to start selling our quota to buy land somewhere else, and this will mean our sons no longer have a chance or a choice to milk cows.

The government seems to think it's simple for us to just sell our farm to someone else who would like to farm. The problem is that anyone who is truly interested in making a viable living at farming would not locate here at our farm. It's hard enough for a farm anywhere these days. It's far easier to be a successful farmer in a farm community where the infrastructure is still in place. The only ones who want to purchase this land are those who are true speculators. They might not even mind if there's a road going through, but they sure won't want a dump.

I have recommendations.

(1) I recommend that the only way to put this greenbelt in place is first to delay Bill 135 and take the time to do it right. Go ahead with your growth plan first



to show your placement of roads, landfill and other infrastructure.

(2) Get agricultural programs in place to assist all farmers in Ontario. Your food source is cheaper here than any other country in the world, and that food source will disappear if you don't look after it and after the farmers.

(3) I'd also like you to take a closer look at the map. The viability issue must be looked at when you are talking about protecting farms. Remember, protecting farmland will not protect agriculture, especially in an area where the agricultural infrastructure is gone and you cannot bring it back.

(4) Use natural boundaries like the escarpment, and real science, instead of the straight lines and political science shown in the draft.

(5) Plan for the whole province. This will stop the leapfrogging.

(6) No matter what farm assistance is put in place, and even if we get the programs back that will support agricultural prosperity, it will not change the fact that the cost will be substantially more to farm here in my farm than in any other agricultural community.

(7) Leave highways and landfills out of the greenbelt.

(8) Don't make this a cost just to the farmers and the landowners. Environmental payments might be an example of programs that will assist farmers who are stewards of the land.

(9) Remove sections 18 and 19 of Bill 135. Allow us the rights that each of you have with your property and allow us the fair right to a fair appeal to a court. I do not know the minister on a first-name basis and he does not know me, so I would like a court system to decide what is fair. Even murderers have the right to an appeal. I feel, as a law-abiding, taxpaying citizen, that I should at least have the same rights as a murderer.

Treat the landowners who stand to lose so much with respect. If you must take the land for your communication, transportation or major services, as you call them, abide by the expropriation laws that are set out to protect the landowner.

For the record, I also want a question asked. If my land is zoned in the greenbelt and my land is taken for any of your communication, transportation or major services, will it be protected by the expropriation laws?

By forcing us to stay on this property, where it costs us a lot more to farm than the average farmer, a property that very likely could have a major highway or a dump on it, you are taking the future of farming away from my sons, Brian, Brent and David.

**The Chair:** Thank you, Mrs. Moore. You've left about 30 seconds for each party to ask you a question, beginning with the government side.

**Mrs. Van Bommel:** I certainly want to say to you that I see no reason why you wouldn't be protected under the normal laws, under the protection of the expropriation laws. I don't see anything in the bill—

**Ms. Moore:** The way Bill 135 is written, it says it supersedes expropriation. I've had a lawyer look at it.

**Mrs. Van Bommel:** That is not what we understand at all. There is no—

**Ms. Moore:** It's not written very clearly.

**Mrs. Van Bommel:** In other words, we need to clarify that particular section then.

**Ms. Moore:** Honestly, I feel that if you put me in the greenbelt, I have a very big chance of being taken for a highway, a dump or something. Not that that's what I want on my property.

**Mrs. Van Bommel:** No, none of us would.

**Ms. Moore:** I need to know that those expropriation laws, that are set there to protect a landowner, will protect me.

**The Chair:** The official opposition.

**Mr. Yakabuski:** Thank you for your presentation, Mrs. Moore, and thank you for bringing your sons to join us today. Do you know what I find remarkable? It's almost uncanny. I almost believe that the so-called science people who drew up this greenbelt plan must be descendants of the original surveyors, because it's amazing how perfectly those lines correspond with the concession lines in the townships. Isn't it amazing that science and surveys from a couple of hundred years ago would actually correspond so perfectly to a new greenbelt plan in 2005?

**Ms. Moore:** Especially when the Niagara Escarpment is only one concession north and it's a natural boundary. It's not going to proceed past that. That would stop it naturally.

**Mr. Yakabuski:** Maybe those surveyors wrote something in their will so their science is—

**The Chair:** Thank you, Mr. Yakabuski. Ms. Churley, you have the floor.

**Ms. Churley:** Didn't I see you guys yesterday?

**Ms. Moore:** You've seen me on a lot of days.

**Ms. Churley:** I thought so, and you two, too. Thank you for coming today and taking the trouble—

*Interjections.*

**The Chair:** Can we stop the cross-chatter, please. Ms. Churley, you have the floor.

**Ms. Churley:** You've created a storm here. Thank you for coming and expressing your views to us. The whole purpose of the greenbelt is in fact supposed to protect your farmland. So if there's anything within the bill that would actually mean that it does the opposite—

**Ms. Moore:** It does the opposite for us.

**Ms. Churley:** —then obviously we will have to fix that, because that goes against the grain of what the government says it's supposed to be doing.

**Ms. Moore:** The GO station is opening five minutes from our home on Monday. That shows that the infrastructure is in place for development.

**Ms. Churley:** Yes, if you build the infrastructure, they will come. That's for sure.

**Ms. Moore:** The infrastructure is already built.

**Ms. Churley:** Thank you.

**The Chair:** Thank you, Mrs. Moore. Thank you, boys, for coming in. We appreciate your time.



**Mr. Hudak:** Chair, I appreciate the presentation by Mrs. Moore and her sons. It's nice to see them participating in this process. She does ask a good question and I don't think we got to it in our technical briefing. I know she has had discussions with the minister's office, Mr. MacKenzie. Perhaps we could have staff get back to us as members of the committee on whether the suspension of expropriation or other protections would impact on a property owner for a future dump, for a future highway or anything of that nature, just to help us understand the bill better.

**The Chair:** Thank you. We'll make sure we get that information available to you.

1110

### TOWNSHIP OF BROCK

**The Chair:** Our next delegation is the township of Brock. Good morning, and welcome. If you could identify yourself and anybody else who will be speaking, and the group that you're speaking for. When you do begin, you'll get 15 minutes. Should you use all of your time, there will no be opportunities for questions afterwards. I'll give you a one-minute warning when you get close.

**Mr. Keith Shier:** Thank you very much, Madam Chair and members of the standing of the committee. My name is Keith Shier. I'm mayor of Brock township. On behalf of the members of council, I am pleased to have this opportunity to appear before this committee and provide comments on Bill 135 as they impact the municipality. With me today is Mr. Thomas Gettinby, our deputy clerk administrator and former planner of our township.

Most of you know that Brock is a rural municipality, with a population of approximately 12,000 persons, located in the northeast corner of the greater Toronto area, on the east side of Lake Simcoe. About half of our residents live in the rural area; the other half live in three urban centres: Beaverton, Cannington and Sunderland.

We are proud of our ability to manage growth, and for the past 30 years we have followed the development principles that have been established by the province and set forth in the official plans for the region of Durham and the township of Brock.

Brock agrees that urban sprawl and the loss of productive farmland surrounding Toronto is a serious issue. However, Brock has not contributed to urban sprawl, as we do not face the same development pressures as our neighbours to the south and west. In fact, our building department only issued 24 housing permits last year.

We have reviewed the provisions of Bill 135 and the greenbelt plan and, while we are not philosophically opposed to this legislation, we do have some very serious concerns, as the bill contains some provisions that will limit our ability to plan appropriately for the future at the local level.

A moratorium on urban expansions for 10 years and the requirement that growth plans be completed by the

region appears to be inconsistent with Bill 26, which is intended to provide local planning autonomy to local municipalities. Bill 135 would remove our ability to plan for the future growth of our urban areas.

It is not appropriate that growth studies be completed at the regional level, as it does not respect local initiatives, and we do not believe it is fair to compare our land needs with the rest of the region, particularly the larger urban centres of Oshawa, Whitby, Ajax, and Pickering.

As an example, I would refer you to figure 1, the map attached at the back. The township is presently engaged in a local official plan review, and our residents have already spoken about an increased tax base through industry and commerce. Concurrently, the region of Durham is also reviewing its official plan and has recognized our need for rural employment areas.

The township completed an employment lands needs study in 2002, which was endorsed by council, and the area in yellow was identified as a potential industrial area, with commercial frontage along Highway 12. This area is five kilometres north of the intended terminus of Highway 404. This area was identified because most of the designated land in Beaverton is not suitable for development on full services because of its proximity to bedrock, such that it would not be economically feasible for development. In addition, most of our industry is small local people who do not require full municipal services, and having a small industrial subdivision with ready access to Highway 12 is much better planning than locating these uses sporadically throughout the countryside. It is also noted that this area is not within the prime agricultural area.

Many municipalities across Ontario have been able to take advantage of highway exposure in order to promote industrial and commercial development, and Brock would like the same opportunity to take advantage of Highway 12. Therefore, we are requesting that the committee amend the bill to permit an expansion of our urban areas, provided it is justified through a local planning initiative, e.g. a site-specific study and/or official plan review, without having to obtain approvals from the Lieutenant Governor in Council; and amend the bill to allow local municipalities to prepare growth studies and plans based on our local needs with the concurrence of the region, as opposed to the region completing such a study. I would note that the region would be involved in any event, since their official plan would have to be amended to recognize an expanded urban area. We believe this request is reasonable since the minister has previously stated that Bill 135 would respect local planning initiatives.

The wording of section 4.1 of the greenbelt plan also causes us some concern; specifically "commercial, industrial and institutional uses serving the agricultural and rural sectors." We are concerned that this clause could be interpreted rigidly, such that it may prevent certain types of development in the rural area, such as non-agricultural uses abutting Highway 12. Figure 1 also



shows the location of two development applications: a Tim Hortons and a 48,000-square-foot Loblaws grocery store. If Bill 135 is not amended to allow municipalities to review and adjust our urban area boundaries, we want the ability to consider these applications through the planning process. Therefore, we would request that the words “serving the agricultural and rural sectors” be removed in favour of the words “serving the community.”

The greenbelt plan would appear to permit the severance of a surplus farmhouse acquired through a farm consolidation, but only in the prime agricultural area. We believe that this type of severance should also be allowed in the rural and natural heritage system since agriculture is a permitted use in all three of these designations.

In conclusion, what the township is looking for in Bill 135 is flexibility, in order that we can effectively plan for the future.

We have started some exciting planning initiatives in response to the residents' concerns that our non-residential tax base should be increased; that is why we completed an employment needs study in 2002, and we would like to implement this through our official plan review, which we expect to have completed by the end of this year.

We have an untapped resource in Highway 12, which already supports limited commercial development. The addition of a grocery store and a Tim Hortons, assuming they meet the tests of good planning, would complement this area and would provide over 200 jobs for our young people, which are much needed in our small township.

I would like to thank you for the opportunity to appear before you today. If you have any questions, we will try to answer them.

1120

**The Chair:** You have left about two minutes per party, beginning with the official opposition.

**Mr. Hudak:** Thank you, Your Worship, for the presentation. I'm glad that you made the trip here today. I certainly enjoyed my visit with you and my colleague Laurie Scott to see this exact site a couple of weeks ago. You make excellent points that we support. I think it makes sense to take a close look at this situation.

What it illustrates is how this greenbelt plan has become a greenbotch. I mean, you're stopping urban sprawl around Beaverton—you said that Brock township had 24 applications the entire year—but it allows wide-open sprawl all the way up to Barrie, which has actually been a problem. If you are a landowner on that stretch of Highway 400 up to Barrie, boy, you'll get rich pretty fast, and that long line of traffic is just going to get longer under this greenbelt plan. But Highway 12 going into Beaverton—going to slow that right down.

It just shows how they have missed the targets. It was all done in their political platform when they made up the boundaries. There is growing evidence of a lack of faith in the science. I would say to my colleagues across the way that with so many mistakes like this in the greenbelt plan, if you undermine the credibility of a green initiative and it is not based on good science and thoughtfulness, it

will ultimately fail and unravel. That's why we need to see the science and we need to make sure that there is a proper process to address silly situations like this and address the real issues of preserving space like Boyd conservation park, Marcy's Woods, Pleasantview in Dundas, and really doing something about sprawl up the 400-series highways rather than stopping a Tim Hortons in Beaverton.

Tell us what this Tim Hortons and the grocery store mean for the community, for Beaverton and for Brock.

**The Chair:** You have about 30 seconds to do that answer.

**Mr. Shier:** There is already some commercial use in the area. There is an agricultural dealership just beyond that, a mile north, and there is a restaurant a little bit to the east. It is land that is not viable for agriculture, hasn't been in my memory and will never be in the future, but it can be a boon to us.

**Ms. Churley:** Thank you very much for your presentation. One of the things we've heard a lot about is what's been left out of the greenbelt and this so-called leapfrog development. We heard from someone yesterday who was saying that because of the belt that's left out of the belt, that necklace that's around it, more prime farmland has been left out than has been protected in it.

I'm a supporter of moving forward with the greenbelt. I think it's absolutely critical that we start saving some of our environmentally sensitive land and prime farmland. I guess my question would be, would you support looking at putting those areas in? Because the scientific consensus is that we need to expand it.

**Mr. Shier:** Are you speaking of other areas beyond my own township?

**Ms. Churley:** Yes. Maybe that's all that you're looking at, but I guess I'm looking at the bigger picture and wondering where you sit with that.

**Mr. Shier:** When I look at other areas very close to us, just the other side of Lake Simcoe, for instance, or four kilometres east of us in the city of Kawartha Lakes, it's free game there, but we are entirely restricted. It doesn't make sense to me.

**Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell):** Thank you again, Your Worship, for taking the time to come and express your concerns about the greenbelt and the impact this would have on your municipality. We are here to discuss this plan. When I see that your local municipality is working on the next official plan, I do believe that you must be working on it with the Durham regional government, because there was a court case just lately with two municipalities and the official plan of the region superseding the official plan of the local municipalities. That was a court case that just came out from the OMB not too long ago.

You also stated that you have a Tim Hortons and a grocery store that are planned to be built along Highway 12. I do fully understand the impact this would have in your community, especially a Tim Hortons; everybody wants to stop there, and then they would go on to the grocery store. But in this case I strongly believe that you



would have to go back to your regional government and look at their official plan, because it is shown as open space at the present time. The official plan of the region has to look at it prior to your completing your own official plan, because otherwise you could end up in some difficulty. But I strongly believe that this greenbelt plan, or any other title you could use, should have come down a long time ago. Again, have you looked at the regional government of Durham's official plan to see if this could be accommodated? This greenbelt plan probably won't affect your development.

**Mr. Shier:** We hope not, and certainly we are trying to co-operate with the region and intend to fully co-operate with the region.

**The Chair:** Thank you, Mayor Shier, for coming today. We appreciate your time.

**Mr. Shier:** Thank you.

### GREENBELT COALITION

**The Chair:** Our next delegation is the Greenbelt Coalition. Good morning. Could you please come forward? If you could identify who will be speaking today and the group that you're speaking for. When you've identified yourselves, I will time you for 15 minutes. Should you leave any time at the end, there will be an opportunity for us to ask questions.

**Dr. Frank Clayton:** OK. Thank you very much. My name is Frank Clayton. I'm president of Clayton Research, which is a real estate and urban economics firm. With me as well is Tom Hilditch, who is a senior ecologist and principal with Stantec Consulting, which is a large, multidisciplinary engineering and architectural firm. We're here on behalf of a recently formed group called the Greenbelt Coalition.

We're glad to be here to express our views on the proposed greenbelt legislation. We have some concerns with it and we hope we can improve the legislation. Our concern is that while it may be important to achieve environmental goals, one has to recognize that you have competing housing, agricultural and economic needs that should be considered as well.

In our view, the current legislation looks a little bit like an environmental Trojan Horse. On the surface it looks very, very favourable, but when you get behind it, there are a lot of concerns we have. I guess our suggestion is that you listen to some of our concerns and implement them in the final legislation or recommendations of the committee.

I'm not a lawyer, but we are very concerned about the taking away of rights of three key stakeholder groups: property owners, municipalities and citizens in general. The proposed Bill 135, if passed in its current form, removes a lot of rights for people in the greenbelt that they otherwise would have, and we are concerned about that.

My comments this morning are more concerned with the unintended—I'm assuming they're unintended—economic and social costs that are associated with the

greenbelt if it goes ahead as proposed. In my opinion, these costs may outweigh the benefits of a greenbelt.

What I would like to do in the few minutes I have is to give the committee members, for those of you who are not economists, a lesson in economics, Economics 101: the impact of greenbelts. These are not micro impacts; these are macro impacts.

If we have a demand situation that remains the same and supply is less than it otherwise would be, prices rise. That's a very simple, basic tenet of economics. If the greenbelt is effective and goes in as planned, prices of land inside the greenbelt will rise, no question about it. This will put pressure—which is desirable, I presume, indirectly—on densities in existing urban areas. But the pressure on densities is not just where you or municipalities might want to have greenbelts, because all land prices go up. Therefore, pressure is on densities. You can start seeing ratepayers getting upset because they might have more multiple housing in their neighbourhood and so on. Prices go up.

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Studies done for the province that came out two weeks ago show that roughly 43% of the housing under the current trends scenario to be built in the greater GTA/Hamilton area will be single detached houses; not 100%, not 80%, but 43%. A good segment of the population wants ground-related, single detached houses. If you put this greenbelt in, as it's effected, you will increase commuting from outside the greenbelt to jobs inside the greenbelt. That is an economic consequence.

Increased costs don't just affect housing, they affect everybody. Employment lands will go up in price. If employment lands go up in price, you risk losing major employers outside the greenbelt, outside Ontario, to other areas where the land costs are more reasonable.

Lastly, if house prices go up, and land prices and property values in general go up, there are wealth redistribution effects. On the housing side, who gets hurt by house prices going up? It's people who are not in the market today: teenagers living with their parents, renters, immigrants who will be coming to Toronto. These are the ones who get affected by higher house prices. We who own houses are going to get a windfall; it's wonderful. But there are distributional effects there that can add up to billions of dollars.

I just want the committee to be aware that there are economic implications to what's being proposed. I would hope that the committee would suggest that studies be done of these economic implications.

**Mr. Tom Hilditch:** Thank you, Frank. I'd like to spend a couple of minutes talking about the science behind the greenbelt. I'm a scientist and I've been involved in ecological planning and environmental assessment for about 24 years now. I've worked on natural heritage systems, designing them for municipalities in the province, and I also work extensively with the private sector.

We're hearing words like "the best science," "good science," "sound science." I'd like to first open with a



comment that it's very difficult for me as a scientist to understand the science behind the greenbelt because there is so little information available to be reviewed, to be critiqued and to look at carefully as it relates to the definition itself of the boundary. I understand the government has got Building the Greenbelt, and I've taken a look at that on the Web site as the latest background material for examination, but that, again, is fairly general. It's helpful, but it leaves scientists like me having a difficult time understanding the rationale behind the greenbelt boundary in many, many places.

I'll just offer five quick points on science that I'd like to leave you with. I do agree there have been a number of inconsistencies in the mapping. We've been pointing it out on a number of occasions. There is less attention paid, for example, to the Iroquois shoreline, although the text of the greenbelt plan talks about it. There are gaps in significant areas that occur in the Duffins watershed, for example, that need to be examined more carefully. And when we talk about protecting major river valleys, we've got a number of small, isolated tributaries contributing not to a provincial-level greenbelt, but they're identified in the plan.

There is a lack of definitions in the plan. "Key natural heritage features," "key hydrologic features," for example, aren't clearly defined.

There is concern about the mix of local significance with provincial significance. We suggest you continue to look very carefully at the provincial level of significance and not muddy the waters of the greenbelt with some of the local initiatives that are draft, unproven and untested out there by various agencies.

We certainly have a number of agricultural concerns. I'll finish with one more scientific comment and open it up to questions with some agricultural comments. There is a tendency to complex everything on the landscape and a tendency to protect everything. I believe, as a scientist, a provincial greenbelt needs to protect what is important at a provincial level, and I don't think it does that now.

In terms of agriculture, my final comment would be: If we're going to have permanent agricultural reserves and protect these reserves, we need to look at the functionality and viability of those. It's not just the land that we need to protect. Thank you.

**The Chair:** You've left two and a half minutes for each party to ask you a question, starting with Ms. Churley.

**Ms. Churley:** Your organization, I take it, is not to be confused with the Ontario Greenbelt Alliance. You're calling yourselves the Greenbelt Coalition.

**Mr. Hilditch:** That's correct.

**Ms. Churley:** Who are your members and who is funding your organization?

**Dr. Clayton:** We are on what we call the coalition advisory council. We're professionals and we're offering our input as citizens and members of the overall community. The coalition is made up of landowners that are affected. It's made up of farmer organizations—the

Ontario Federation of Agriculture. It's made up of some unions—the carpenters' union.

**Ms. Churley:** I just wondered why you call yourself the Greenbelt Coalition, because your recommendations seem to indicate that you don't support the greenbelt. I think it can be problematic in terms of the implications of the title.

I also wanted to ask you if you had hired—

**Dr. Clayton:** May I correct you? We do not come out and say we do not support a greenbelt. We do not support the greenbelt as it is being articulated at the present time.

**Ms. Churley:** OK, so you do support it.

Have you hired a fellow named Marcel Wieder as your public relations person?

**Dr. Clayton:** I believe he is a public relations person for the coalition, yes.

**Ms. Churley:** And you know about him being quite well known as a dirty tricks man, for building fake coalitions and putting them forward as real? I'm not making this up; I have the information before me.

**Dr. Clayton:** All I can say is that we're professionals. I met Marcel for the first time this morning. I do not know anything of his background other than he is in the public relations sort of business. So anything you have on him, I have no idea. We are here as professionals who are concerned about the greenbelt as it is being articulated.

**The Chair:** Thank you, Ms. Churley. The government side: Ms. Matthews.

**Ms. Matthews:** Hello; nice to see you both. I remember both of you from my life when I worked in the development business. I think it's only fair that people understand who you are and who you're representing and who is funding you. So can you, just for the record, tell us who's funding this organization?

**Dr. Clayton:** For the record, I cannot tell you who is funding the organization because we were asked to be on an advisory council as professionals who are concerned. I said yes because, as a professional, I've been trying to get the government to actually listen to some of the economic effects of what's going on. The minister, to the Greater Toronto Homebuilders, before I talked, made the comment that there will be no effect on prices. That is totally wrong and that's why I'm here today, because I believe there are going to be severe economic repercussions if it goes in, together with Places to Grow, as planned in the draft.

**Mr. Hilditch:** And my comment as well: I joined quite recently and agreed to join, like Frank, because I'm very concerned about the science and I have been for years. Putting forward the same comments, I'm here as a technical adviser and a professional. I'm not involved in fundraising or creating the organization.

**Ms. Matthews:** OK. Today I got a release that we have 75 independent scientists supporting the greenbelt.

I wonder if you can tell me how many independent scientists, and I stress "independent scientists," support your position.

**Mr. Hilditch:** I can't tell you on the ecological side. I have spoken with at least a dozen whom I work with in



the field of ecological planning and impact assessment who have very similar concerns about the greenbelt and don't feel it has the precision that it needs. I'm not sure which 75 scientists have come forward.

**Ms. Matthews:** I think the issues you've raised are important and we certainly will take them into consideration as we deliberate over this bill, but I do think it's important that people understand what interest you're representing. That's why I'm pursuing that line of questioning.

**Mr. Yakabuski:** Thank you very much, gentlemen, for joining us today. We choose not to question the credentials of people who come to make submissions before the committee. It's not our job. We understand that there are scientists who believe that the greenbelt is a great thing and there are scientists who believe that there is a lot of work to be done in this legislation, and we appreciate the opinions of them all.

One of the things that we have been saying from day one is that this will make home ownership, which is a dream for a lot of young people, remain just that—a dream. Traditionally, the other parties like to occupy the role of saying, “We're the defenders of the poor, and those damn Tories, all they care about is those rich people.” I think there's clear evidence to show that under this legislation the rich will get richer and those who currently do not own a home will have a much harder time achieving that goal.

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If we hypothetically said that the odds of young people today, starting out in their 20s and just starting to raise a family, owning their own home in the next 10 years were one in five, what do you think those odds would be with this greenbelt legislation, as it is currently drafted? I want to make very clear, as well, sir, that we also believe in protection of green space, protection of the environment. We just believe that this draft plan was so hurriedly rushed out for political reasons that it simply misses the mark. Could you give me your opinion on those odds?

**Dr. Clayton:** First of all, you can't look at the greenbelt in isolation. You have to look at all the land-use planning reforms being proposed by the government, including the growth management strategy, changes to the Ontario Municipal Board and so on. You have to look at it as a package. But definitely, house prices will be higher. My best estimate right now is that over the next 10 years prices will probably be about third higher than they would otherwise, if this plan goes ahead as it is. This will mean that first-time buyers and immigrants coming into Toronto—immigrants, renters who are renters now and children of people who are homeowners—would have to pay, over the next 10 years, something like \$29 billion more for their housing. At the same time, the rest of us benefit because we're homeowners. That's the kind of very massive, social wealth redistribution that can occur because of this legislation, if it goes into effect as it is currently articulated.

**The Chair:** Thank you, gentlemen. Thank you very much for your delegation. We appreciate your being here.

#### FRIENDS OF THE ROUGE WATERSHED ROUGE DUFFINS GREENSPACE COALITION

**The Chair:** Our next delegation is the Rouge Duffins Greenspace Coalition. Good morning.

**Mr. Jim Robb:** Good morning, Madam Chair.

**The Chair:** It still is morning—yes. Welcome. Once the hubbub has died down, could you identify yourself and the group that you represent? When you begin speaking, you'll have 15 minutes. Should you leave time at the end, there will be opportunities for questions. I'll try and give you a one-minute warning as you get close, if you go that long.

**Mr. Robb:** Thank you. My name is Jim Robb. I'm appearing with two hats today. One is as a staff person, a general manager with Friends of the Rouge Watershed, which is a non-profit group that has planted over 200,000 trees and wild flowers and has involved more than, I believe, 12,000 young people in the last five years in conservation activities in the Rouge Park. I'm also a volunteer with a non-profit group called the Rouge Duffins Greenspace Coalition, which is a coalition of conservation and community groups located in the Rouge and Duffin watersheds.

I've handed out a number of documents that I'd like to make reference to today. The first one has the little frog on it, which is the logo of Friends of the Rouge. Could I also get you to just pull out the map and have it handy; I may refer to this map. I apologize for it not being in colour. It's at the back of your document.

A little bit in terms of my background: My background is U of T, forestry and environmental sciences. I've worked on watershed issues for over 20 years. I was a member of the Ontario Environmental Assessment Board, appointed by the David Peterson government from 1990 to 1996, so I've worked right from the grassroots level to the policy level.

The first thing I would like to address is the vision and legacy. I have a real concern that the vision of this being a wonderful legacy that the Premier has enunciated could be lost and diluted by very short-sighted and greedy interests. There are a lot of interests that need to be balanced here, but if you're going to do a vision, you need to look carefully at the presentations made by Environmental Defence, Pembina Institute and Ontario Nature. I think those presentations represent the vision of this document and the legacy that I think we would all like to leave.

When we're talking about increasing housing prices, that may be true for 50- and 60-foot lots in the suburbs, which very few young people are going to be able to afford. If you create this greenbelt, it will enhance the quality of life in the GTA for future generations for many years, if you do a good job on it, and it will protect the



quality of life here for the next generation. It may increase—

*Interjections.*

**The Chair:** There is a lot of commotion in the room, and the door is opening. Could people please give attention to this delegation. Thank you.

**Mr. Robb:** Thank you, Madam Chair.

It may increase property values for those large, big lots that are eating up our farmland and green space, but it's more likely to provide incentives for smart growth within our cities. There are many reasons why we need to incent that smart growth. One of them is, I heard Minister Sorbara talking about how bad our infrastructure is, how much we need renewal and how much we're having trouble finding the money. One of the ways we'll find the money is by intensification within the existing urban envelope. When we up-zone and redevelop areas and encourage not speculation on greenfields but investment in rundown areas, we will be able to find money through development charges to renew our infrastructure and make our existing cities sustainable. If we don't find a way to do that, we will have the kind of rot in our core and the kind of social and environmental malaise that will kill this golden goose of the country of Canada. So we need the GTA, economically, socially and environmentally. We need the greenbelt. We need it to be strong and robust.

I'd like to address a few areas of the greenbelt: the Duffins Rouge ag preserve. There has been a lot of misleading information brought forward on this, and I have provided to you a document in blue. I won't go through the full thing, but it summarizes the last 30 years of planning, with direct quotes from documents.

The developers have told you, for instance, that there's no science for protecting the ag preserve; that's not true. In 1997, the Ministry of Natural Resources commissioned Geomatics, which is a very highly respected environmental studies and mapping group, to do a study on the Rouge and Duffins. Their number one recommendation was that the Duffins Rouge ag preserve be left intact as a crucial area for wildlife within the Rouge Duffins area.

Another point is that in ecological science there is a principle called SLOSS: single large or several small. In general, a large area like the Rouge Duffins and the Duffins Rouge ag preserve is much more robust long-term. If it's large, it sustains its species, it's more beautiful for the public, it offers more environmental infrastructure benefits such as clean water and clean air. That's what we're trying to do in the area of the Rouge Duffins. We're trying to link the Duffins and the Rouge and we're trying to connect the lake and the moraine.

If you look at your GTA greenbelt map, you'll see this beautiful green connector, the Niagara Escarpment, on the west end, but if you look over in the east end, there aren't really a lot of connectors. So the Duffins Rouge ag preserve, Seaton and the federal lands that are there are vital to that.

I've gone into more detail that I hope you'll have a chance to look at, but the Duffins Rouge ag preserve is a

can of worms politically if anybody tries to open it up for development. The Premier has promised in writing—and I'll refer you to this document; it was in the Liberal platform—that all of the Duffins Rouge ag preserve would be added to the GTA greenbelt and that two thirds of Seaton would be added. Those are promises we take seriously. We think they are issues of credibility. They were good initiatives and good promises by the Premier; they should be followed through.

We're happy that the Duffins Rouge ag preserve is within the draft greenbelt area. We're a little bit concerned that two thirds of Seaton isn't in the greenbelt area. The Premier promised that also, and we'd like to see those two thirds of the lands in Seaton, which should be protected, be in the greenbelt area.

We believe that when the Seaton lands are swapped and there's the sale of those lands, we've been told that even after the swap with the Oak Ridges moraine, there'll be some additional lands. We believe the revenue generated through the sale of those additional lands should actually be used to purchase back the Duffins Rouge ag preserve lands.

What's happened to those lands is that developers, through what we consider to be rather questionable side deals, got control of them. The Duffins Rouge ag preserve were public lands sold for \$4,000 an acre. Why were they sold that cheap? Because they had permanent agricultural easements registered on title. What the developers have done is made a side deal, because the developers couldn't buy it for that. The only reason the government sold it that cheap is because of these easements. They made an agreement with the region, the local municipality, to keep them agricultural, so they slapped on easements. The farmers and the people there said, "We can't afford to farm lands and buy at more than \$4,000," so they got that land at \$4,000, which is actually what the government purchased it for 30 years ago.

They got a good deal. They shouldn't have made side deals with the developers. The developers should not now get this windfall. If you let the DRAP be developed, what will happen is it will be a rip-off of the public purse of something like \$300 million to half a billion dollars, because they will have got 3,000 acres of public land for \$4,000 an acre when if they had purchased it on the market, it would have been \$150,000 an acre. So don't go near that one. I could tell you all kinds of stuff, but there's really some very questionable and unethical content there.

**1150**

Now, the people before you were this Greenbelt Coalition. I can tell you about sham groups set up in Pickering that are coming before you. In the last election they put \$30,000 to \$50,000 through these sham groups to fix the outcome of the election, and they were effective. They actually elected the person who was supportive of their plans and unelected someone who wasn't supportive of their plans. Regardless of where you stand—Liberal, Conservative, NDP—that's really a distortion of public process, and I find it very disturbing.



We have a lot of evidence on that and we'd be happy to present that further.

I guess the last point I'll make, because time is brief, is that I think you have a win-win situation here, and I hope you'll listen carefully to this. The environmental groups and people who are thinking in the long term are saying, "Protect all that land from the Oak Ridges moraine to the urban envelope and from the Niagara Escarpment to the urban envelope." I totally agree with that. I recognize that the government may be reluctant to do that in one step. What I suggest you do is keep the moratorium on for a minimum of 10 to 20 years. During that time, address the science issue.

I would agree with the developers on one part of their argument: We could benefit from some more science in those shadow areas, the ones between the Oak Ridges moraine, before we actually define them as greenbelt. Where will you get that science? The conservation authorities are currently doing watershed strategies. They should finish those and they should enhance them with subwatershed. The conservation authorities are doing natural heritage systems studies. They should finish those and they should look at them carefully.

We've delineated those scientific steps that need to be taken. If you give a moratorium for 10 years, there's plenty of land to be taken up in that period that's already zoned. There's a real need to get developers and speculators to think within the urban envelope more, rather than outside, and there's a real need to bring the science forward.

I know that Environment Canada has already done studies that say we can't have healthy water in our streams and lakes unless we have 30% to 35% forest cover. The town of Markham, for instance, and the headwaters of the Rouge have less than 5%. There's not much more room in the Rouge before you run out of land, and you can never reach that 30%.

We also have climate change. You've seen what happened in Peterborough. I've spoken to top meteorologists, and they say that with climate change we need to re-examine our flood control systems and our buffers, and we haven't done that yet. So that's another thing that needs to be looked at.

My suggestion to you is, continue that moratorium for at least 10 years. During that period, invest in good science, in good studies of those areas between the moraine and the existing urban envelope that aren't within the green plan already, and let's do this right. I can tell you right now, my gut feeling is that those areas—most of them—will be included after a science-based study because it's the only way you'll get to the 30% forest cover in watersheds; it's the only way you'll dampen the effects of climate change; it's the only way we'll protect water quality, quality of air and quality of life in the GTA.

I'm happy to answer any questions, but I hope you have a chance to take a look at our comments. In general, we're very supportive of what has been stated by the other major groups—the Pembina Institute, Ontario Nature, and Environmental Defence.

I'd also add just one point: There is currently a project in the Rouge that's going to potentially drain the moraine of 30 billion litres of water, creating a hole in the moraine of 300 square kilometres that stretches from the top of the moraine to Highway 401 and from Pickering to Richmond Hill. I think that York region, just like the developers are doing here, has misled the government on that one and I think they're leading the government to potential slaughter before the next election, because the real problem with that moraine drain will really be serious just before the next election. Hundreds of wells will be dry, dozens of streams and wetlands will be dry, and it'll be all over the newspapers. So I'd ask you to think carefully about those two issues and I thank you for the opportunity.

**The Chair:** Thank you, Mr. Robb. You've left one minute for each party to ask you a question, beginning with Mr. Duguid.

**Mr. Brad Duguid (Scarborough Centre):** One minute is probably not enough for me to ask this entire question, but I'll do the best I can.

Thank you for our work on the Rouge reserve and all that stuff. You've done some great work out there. You are a real expert in ecological matters when it comes to using science. The opposition is trying to use science as a reason for us not to proceed with the greenbelt at all. I would suggest that we've used science to identify where the greenbelt should go, and mapping—the same science was used on the Oak Ridges moraine, the same science that would be used anywhere.

You were talking about the 150,000 or so acres that are slated for potential development and you say you'd like to see more science there. With the rest of the greenbelt, would you suggest that the science has been adequate for us to proceed?

**Mr. Robb:** Yes. I think the government's on a strong footing both from a policy perspective and from an environmental perspective. I do think, though, that to address some of the issues in the remaining lands that need to be added or should be added, that one of the ways you can go about it is to complete these other studies. But I think the government is on strong footing from environmental science and from policy.

I actually would turn around the onus. Developers pay for so-called scientists, and I consider them hired guns. They are not independent university scientists. They are hired guns. The envelope in any environmental issue is wide so that you can drag it one way or the other because the science isn't that precise. So I think you're on strong footing, but if you aren't willing to declare those areas between the Oak Ridges moraine and the existing urban envelope greenbelt at this time, which I think you should, then you really need to extend the moratorium and do further scientific review before you allow any urban expansion.

**Mr. Yakabuski:** Thank you very much for your presentation. I certainly thank the government side for the lesson in science because they are the experts at political science.



Again, you've taken parts of the greenbelt legislation and you say that you agree with them, but on the other hand, there are some glaring gaps and some glaring weaknesses. So we have to be willing to at least say that they didn't do the job right; they haven't got it right. They haven't put the science into it; otherwise, we wouldn't have you presenting today, telling us what the weaknesses are and what the gaps are. You may substantively agree with some of the things they're doing—and we do as well; we agree with the general principle of protecting environmentally sensitive lands and green space—but this government has not gotten it right.

When you make gravy, if you don't have a good base, you can thicken it up with some Liberal political flour, but it's still going to be lousy gravy. So this is what they've done. They have what they think is a good start. They've thickened it up with their politics but they don't have a plan that's going to work. We're asking them—and I think to some degree, you agree. They have to go back and restudy this thing. Don't rush into this; let's get it right. Would that be a fair statement?

**The Chair:** I'm sorry, sir; you have no opportunity to respond now.

Ms. Churley, it's your turn.

*Interjections.*

**Ms. Churley:** Don't even get me started on my gravy.

Nice to see you. I've seen you in action, and you're as fearless as I am in terms of exposing what we believe to be more development-driven bogus kinds of studies. Having said that, I will tell you this: We're getting all hung up on what's legitimate science and what isn't. There's a scientific consensus that says that we need to expand the greenbelt. That consensus is there.

Within any scientific study there are going to be pieces—and we hear about it—that are going to be done wrong. There's absolute evidence of that; no question. I have some problems, too, with some of the pieces that are being left out, and I think it is for political reasons; no question about it. But overall, we have a political consensus that we need to expand the kind of things you're talking about.

**Mr. Robb:** I would agree with that. I think you move forward now on what you've already put on the table. You expand it, if you are able to, before you move forward. This is why I'm suggesting this moratorium and let's study those other areas further. I don't think it's big enough. I don't think it goes out far enough, it won't prevent leapfrogging, and it's not big enough to protect the integrity of our air, water and farmland. There's too much left out. But I think it's a good first step. Let's move forward and let's make it better.

**The Chair:** Thank you, Mr. Robb. Thank you very much for your time. We appreciate your being here today.

#### SUNFISH LAKE ASSOCIATION

**The Chair:** Our next delegation is the Sunfish Lake Association. Since we're between good morning and

good afternoon, I'll offer you both. Welcome. We appreciate your being here. After you've identified yourself and told us the group you're speaking for, you'll be timed for 15 minutes. If you leave an opportunity at the end, we'll be able to ask you questions, and if you go too long, I'll give you a one-minute warning.

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**Mr. Kevin Thomason:** Honourable members of the committee and guests, my name is Kevin Thomason and I am lucky to be a landowner and live on Sunfish Lake, a rare meromictic lake located on the Waterloo moraine at the edge of the cities of Kitchener-Waterloo. I am here in my capacity as president of the Sunfish Lake Association, and I believe my presentation represents my own views as well as the views of our association and a great many people in our community.

First of all, thank you. I'm very appreciative of the opportunity to be able to speak this morning and I'd like to make clear our support for Bill 135. It is visionary and seems to be well thought out, taking into account many diverse needs and considerations. We thank you for the tremendous work that has been done over many years to create this act and we commend you for protecting the Oak Ridges moraine, the Niagara Escarpment and other key natural areas facing tremendous development pressures.

I believe that the provincial government, as well as the half a million residents of Waterloo region, have a common vision of a vibrant, dynamic and sustainable urban community, protected and balanced by natural greenbelt and rural areas. Waterloo region is one of the fastest growing communities in all of North America. Both the cities of Kitchener and Waterloo have been experiencing tremendous development pressures and have been identified in the recent Places to Grow strategy as priority urban growth centres for the greater Golden Horseshoe. While our region was considered part of the greater Golden Horseshoe for Places to Grow, we were considered outside the Golden Horseshoe for the greenbelt plan area. So our area is now in the challenging situation of being targeted for a lot of growth and development by one act, yet not being afforded any of the protection being given to other rapidly growing parts of the GTAH by the Greenbelt Act.

You are well aware of the concerns of leapfrogging and the possibility of having the proposed Greenbelt Act push development pressures out on to outlying areas around Toronto. We are concerned that, in addition to all of the planned growth for our region under Places to Grow, we could now face yet even more development pressure from leapfrogging.

Our region is home to the Waterloo moraine, the Paris-Galt moraine, many provincially significant wetlands and numerous environmentally sensitive areas. For years now, myself and hundreds of other area residents have been fighting developments and subdivisions proposed to be built atop the Waterloo moraine as the city of Waterloo, facing significant growth pressures, expands westward on to this sensitive area.



According to Professor Alan Morgan, a world-renowned hydrogeologist, more people are dependent on the smaller Waterloo moraine for their drinking water than the much more extensive Oak Ridges moraine, and unlike most municipalities in the province, the cities of Kitchener-Waterloo have no Great Lakes or other large bodies of water to draw upon for our drinking water. We are the largest community in Canada dependent on groundwater for our water needs. The fragile Waterloo moraine is straining to keep up with our water demands. Just yesterday in the newspaper, Waterloo region officials were predicting water shortages for the next two years because of well closures where parts of our water supply have become damaged and contaminated. Each acre of development on our moraine threatens our water supply even more.

Aside from protecting the moraine, the only other alternative for water is a large, expensive pipeline to the Great Lakes, potentially costing billions of dollars, perhaps even having to come from provincial government budgets. It remains to be seen if we would even be allowed to draw fresh water out of the Great Lakes under the free trade agreement and if the United States would allow us to pump it the vast distances required.

In response to these challenges, and because of our desire to protect our natural areas, our rural municipalities, our prime agricultural lands and our Mennonite communities, the region of Waterloo has proposed potentially extending the Golden Horseshoe greenbelt westward from Hamilton to include a vast swath of our region. For those of you not familiar with Waterloo region, the area the region has proposed as an extension of the greenbelt, and has been working for several years to protect, includes diverse forests, significant wetlands, and dozens of creeks, streams and tributaries. It also includes two moraines, a number of lakes and parts of the Grand River, the first river designated as a heritage river in Canada.

These spectacular natural areas are home to rare and endangered species of plants, amphibians, birds and mammals. Bald eagles, osprey, herons, kingfishers, otters, foxes, deer and many other animals make their homes here in these natural areas, sometimes just minutes from our urban settlements. Even as I write this presentation, there's a group of coyotes excitedly howling outside my window, and under the ice of Sunfish Lake right beside my house, thousands of fish, turtles and frogs await spring. Yet I'm located just a few minutes from downtown Waterloo, with its large insurance organizations, universities and high-tech companies.

Waterloo agricultural land is often considered some of the best in the country, and both traditional farming communities and Mennonite communities have always thrived in our area. People consistently rank our region as one of the best places to live because of the high quality of life, the easy access to the countryside and rural character, the nearby farmers markets etc. We enjoy a healthy and balanced lifestyle and believe our area would be an outstanding addition to the greenbelt and would

complement what you've already worked so hard to protect. Extending the greenbelt into Waterloo region affords us the same protection as other communities facing significant development pressures. The region of Waterloo has been a leader in planning for decades, starting with official policy plans, the countryside line concept and, more recently, the regional growth management strategy and our greenlands strategy.

Much work and research has already been undertaken on these initiatives and the amount of work required to include the Waterloo region in the Greenbelt Act may not be as daunting as it seems at first. Our cities have adopted "environment first" policies, our rural townships have always had an approach to development and preservation that has limited speculation, and the additional protection from Bill 135 would reinforce our local and regional efforts and ensure the support required to protect our rural areas and build strong urban communities.

Lands and water are a provincial jurisdiction and the people of Waterloo would like very much to have the province help us protect our natural areas and resources and appropriately guide future growth in our region. Later this afternoon, you'll hear from Ken Seiling, our regional chairman, who will address how the province's approach complements the efforts already underway in our region and how all we can all benefit by working together.

In fact, I would refer to this as 1+1=3: Our region benefits from the protection and guidance of the Greenbelt Act; the act becomes stronger and more successful because leapfrogging may be thwarted in this part of the province; and the addition of thousands of protected acres strengthens the entire greenbelt.

I believe that all major growth areas in the province need the same level of consideration for protection. The citizens of Waterloo region are optimistic that the Greenbelt Act can encompass our region. However, if for some reason we cannot be included in Bill 135, we would like to know how we can work with the provincial government and how you can help to ensure that we get the protection we need.

I recently returned from California, where I saw firsthand the tale of two cities: Los Angeles, with endless urban sprawl for 100 kilometres in any direction, massive smog problems, dreadful urban decay in South LA, industrial wastelands in Long Beach, countless freeways and continuous traffic jams. Contrasting this, just up the coast is the nearby vibrant city of San Francisco, the number one tourist attraction in the United States. Surrounded by massive greenbelt natural preserves such as the Golden Gate national recreation area, the Presidio, wetland bird sanctuaries, sweeping natural beaches and coastlines, no one in San Francisco is more than a 15-minute bicycle ride from great natural areas. San Francisco has wonderful urban neighbourhoods and has one of the most successful public transit systems in the US.

The San Francisco economy is booming. It is home to world-class educational institutions such as Berkeley and



Stanford and it has been able to accommodate the tremendous growth of Silicon Valley without compromising the surrounding natural preserves. Thank goodness for the Berkeley hippies and tree-huggers of the 1960s. Their quest for the protection of these lands has created one of the healthiest, most successful and desirable cities in the world. I would like to make sure that our future looks more like San Francisco, surrounded by greenbelts, than Los Angeles.

In conclusion, we are very pleased with the initiatives and the direction of the provincial government and are encouraged by the bold steps being taken with Bill 135. It is the right thing to do and future generations will applaud your actions. The residents of Waterloo region are working hard to try to ensure the best possible future for our region. Our inclusion in the Greenbelt Act would allow us to become even stronger advocates of the act, providing more momentum and helping to propel it forward. We believe that our unique and spectacular natural areas, Mennonite farms and rural areas of Waterloo would make a wonderful addition to the Golden Horseshoe greenbelt.

Much work has already been done and we hope you embrace the proposal from the region of Waterloo. We are looking forward to working with you to complete the greenbelt and hope that our area can continue to grow in a healthy, balanced fashion and remain one of the economic, educational and technological drivers of the provincial economy.

Thank you. I welcome any questions.

**The Chair:** Thank you for your presentation. You've left two minutes for each party, beginning with the official opposition.

**Mr. Hudak:** Thank you very much for the presentation. Ted Arnott, one of the local members, had recommended you to the committee, so I know he's familiar with the work of the Sunfish Lake Association. My sister lives in Waterloo, as a matter of fact, and loves the community. It ain't Niagara, but it's very nice.

How do you suggest we marry the two? You talked a bit about Places to Grow and growth. Clearly we do need a place for new jobs. We need to keep Ontario firing and growing and creating wealth. How would you reconcile the need to protect sensitive areas while making sure we still allow affordable housing and job creation?

1210

**Mr. Thomason:** I believe that the proposal put forward by the region of Waterloo does a good job of balancing that. It allows two thirds of our region to be areas for future development. It appropriately guides development to those areas, while also protecting the essential areas. In Waterloo region, we find that the environmental areas, the moraines and such, are predominantly on the west side of the city, while a lot of the development and the demand for the development happens to be happening on the east side of the city: Cambridge, Waterloo, Kitchener and surrounding the airport. So I think we have a very easy plan that allows us to move forward in a balanced fashion, to protect the

valuable areas while also promoting strong economic growth in the other areas.

**Mr. Hudak:** In terms of moving forward, if other areas of the province are examined, you talked about the work that Waterloo has done. We'll hear from the chair shortly. What's the best way, I guess, to move forward in these types of initiatives? Who should you include in this type of process?

**Mr. Thomason:** It's a good question. I know we were virtually excluded from the first version of Bill 135. We're seeking to be included in it now. There's been talk of a necklace or a phase 2 or a second version. I don't know how long that will be or how long that process may take. Our concern is, we're facing the development pressures and growth pressures now, and the development is happening now. We need the answers, and we're willing to work with everyone now. We hope that this issue and our future is important enough that everyone will work together on this: every ministry, every political party, and all people can come together and do the right thing.

**The Chair:** Thank you. Ms. Churley, you have the floor. Two minutes.

**Ms. Churley:** Thanks for your presentation. On page 3 of your submission, you talk about the region considered part of the Golden Horseshoe for Places to Grow but considered outside for the purposes of the greenbelt.

**Mr. Thomason:** Right.

**Ms. Churley:** You talk about that it's already targeted for a lot of growth and development. Are you seeing, since the introduction of the greenbelt and moving toward passage, a lot more applications for development and things like that already happening?

**Mr. Thomason:** A little bit, but not as much as other areas. Frankly, we're lucky. A number of the municipalities in our area have always had a very consistent approach to development. There has not been a lot of speculation and a lot of things that have happened in other areas in our area because of their very consistent approach, so we may not be as affected as other areas. That doesn't mean it isn't going to happen; it may mean that it's a little bit easier to include us and have things move forward a little bit faster, just because this is very consistent with what's been going on in our region and what the region has been trying to build on its own for some time now.

**Ms. Churley:** Municipal Leaders for the Greenbelt have come forward and said—and I don't know if you support them on that—that although they support the greenbelt, if it's not expanded, "urban sprawl will continue to spread like a cancer in the GTA, with disastrous consequences to our clean air, clean water, wildlife and our children." Generally, that's my position too: We have to expand it. Is that yours?

**Mr. Thomason:** Yes. Again, learning from the Los Angeles example—it can sprawl forever—I think that we need to create a strong greenbelt, and perhaps model the San Francisco idea, where the greenbelt was created with such significant size that it prevented the leapfrogging and has instead created a very balanced, very vibrant community.



**Ms. Churley:** Good. Thank you very much.

**Mr. Rinaldi:** Thanks very much, Mr. Thomason, for being here today. "Thinking forward," I guess, is probably the best way to describe your presentation. I'm going to make more of a comment than a question, but maybe you can address it. I think the area of Kitchener-Waterloo has certainly shown leadership. With the Places to Grow legislation—with the help of the other side, hopefully we can get it through this summer—Kitchener-Waterloo is really an example, how they've managed their growth. I believe some of the questions that you've asked about, "Let's get the greenbelt in Kitchener-Waterloo to prevent sprawl"—I don't know if you've had an opportunity to review our discussion papers, but I think you're going to find that Places to Grow provides that some of those things will go hand in hand with the greenbelt to prevent those things, to increase intensification.

I guess the other comment I'd like to make is that it's great to have you come here today, on behalf of your community, wanting to expand the greenbelt. I think what we're talking about today is really legislation to allow governments to be able to do that down the road. It's not where the line is today, where the line is right, wrong or in-between. If Kitchener-Waterloo is not in the first round, for lack of a better word, I'm sure with submissions like you have and that I'm sure we'll hear down the road, we'll have legislation in place to make it happen a lot quicker.

I don't know if there's time for comment or not on your part.

**The Chair:** You have time to comment.

**Mr. Thomason:** Great. We very much believe there needs to be a balance. We're very much hoping the province will be able to help us achieve the balance and the goals for our region for both growth and protection of our natural areas. Whether that happens now or in the future, the growth is certainly happening now and the development pressures are happening now. We would hope for the provincial government to help now. On the other hand—as you'll see later this afternoon with Ken Seiling—the regional government has been a leader in trying for this balanced growth, and we'll continue our best efforts in the meantime.

**The Chair:** Thank you very much for coming. Be careful about those coyotes outside your window.

**Mr. Thomason:** They're wonderful. Thank you for the opportunity.

#### COALITION OF CONCERNED CITIZENS

**The Chair:** Our next delegation is the Coalition of Concerned Citizens.

**Ms. Lorraine Symmes:** With me is Bob Gardiner, who is also a director of the Coalition of Concerned Citizens. He's just going to be part of the question and answer part.

**The Chair:** All right. Could you identify yourself and your organization before you begin, when you get com-

fortable. When you begin, I'll start the timer. If you use all of your time, then there won't be an opportunity for questions, but I'll give you a warning if you get close. Welcome.

**Ms. Symmes:** I'm Lorraine Symmes, speaking on behalf of the Coalition of Concerned Citizens.

Madam Chair and committee members, thank you for the opportunity to present our concerns to you in regard to the province's proposed greenbelt plan. We commend the province for its initiatives in the planning process, and we are pleased to be a part of the dialogue promoting change.

The Coalition of Concerned Citizens is a non-profit citizens' group formed in Caledon in 1997, which has grown to over 5,000 supporters today. Our goal is to ensure good land use planning by protecting Caledon's water, environment and communities from the threats of inappropriate urban and aggregate development.

Caledon has been blessed with many significant natural resources: the Niagara Escarpment, the Oak Ridges moraine, the sensitive headwaters of four major rivers and many acres of prime agricultural land, all in close proximity to the GTA. Perhaps the confluence of these significant natural features has motivated the town to develop land use policies ahead of its time. But whatever the reason, both the citizenry and the municipality have done their homework prior to the greenbelt draft legislation. This leads us to the coalition's first and foremost concern.

Good planning needs to be at the heart of any project, large or small. Good planning at any governmental level also requires that the needs of a diverse group of stakeholders be recognized. For it to be successful in both the short and the long term, it must take a balanced approach to policy matters so that the interests of all major stakeholders are considered and respected.

This process of good planning took place during the development of Caledon's OPA 161, which provides detailed policies for the sound management of the aggregate resources within the town of Caledon. Through a precedent-setting agreement with all stakeholders involved—including the province, the region, the town, the Niagara Escarpment Commission, the aggregate producers and Caledon residents—a balanced agreement was reached with significant financial and temporal cost to all. We call on the province to honour this signed agreement, a commitment made in good faith by all parties at the table. The true cost of not honouring it could be very high indeed.

Our second major concern has to do with source water protection. The province is going in the right direction with the addition of protection for water resource systems, but they have not gone far enough. Aggregate operations can have devastating impacts on the quality and quantity of water resources. Yet with the information released so far, it looks as though it's business as usual for aggregate producers. This greenbelt plan may have the very effect of moving more extraction into areas that are the sensitive headwaters of the major river systems of



the Great Lakes basin. Extraction should not be at the expense of our groundwater supply. Therefore, we recommend that aggregate development should not be permitted in key natural heritage and hydrological features. In addition, stronger wording needs to be written into the plan covering protection of groundwater sources, major aquifers, recharge areas and key forest cover. Only by doing this will water resources be protected and maintained for the increased future consumption planned in the GTA.

1220

The third concern we have is in regard to the rehabilitation of pits and quarries. Historically, the province has not maintained the rigorous standard needed for aggregate rehabilitation. We support undertakings to embed rehabilitation in the greenbelt plan. However, the best planning in the world is meaningless unless it is accompanied by a legal structure that ensures it will be implemented on a timetable agreed to by the community and enforced properly.

The examples of unrehabilitated pits and quarries are legion, despite provincial rules. In the year 2002, only 3% of disturbed aggregate land was rehabilitated. Unfortunately, this is not an unusual occurrence. Historically, the aggregate producers in Ontario have been permitted to operate under a laissez-faire policy, with the result that they are not viewed as good corporate citizens in their communities. How do you propose to ensure that the current situation is not continued? For it is unsustainable.

Perhaps some other independent agency could be tasked with working with the municipalities to bring action against those companies that violate the regulations. Such an agency should be required to make a public report via municipal councils and local media on an annual basis. We recommend that a more transparent and accountable extraction management process be put in place to establish more trust between the community, the province and the aggregate industry. Good intentions are not enough.

The final point we would like to make concerns a provincial aggregate conservation strategy. If the Greenbelt Act, which is an environmental act to encourage conservation—and that's a good thing—allows the possibility of mineral aggregate extraction within its boundaries, then the province must begin with a publicly available current inventory of the supply of mineral aggregates in Ontario. This needs to be developed by the government and not developed, as it is currently, by the industry-owned Ontario Aggregate Resource Corp. This is like putting the fox in charge of the chickens.

Gordon Miller, the Environmental Commissioner, wrote in a recent article on aggregates, that the Ministry of Natural Resources “has no accurate picture of what is happening in terms of demand ... nor does it have an up-to-date picture of what kind of aggregates are being used, or how and where they are being used in Ontario,” and finally, “nor do we know how much can still be extracted from existing pits and quarries.”

The Pembina Institute wrote in their January 2005 report on aggregates that's just come out that “the government of Ontario does not have a long-term strategy to reduce the impacts of mineral aggregate (i.e. gravel, sand and stone) extraction on drinking water, source water and other important environmental assets. It also lacks basic information on the state and consumption of the province's aggregate resources.”

Clearly, we have a serious problem where good planning is concerned if we do not have the basic information available upon which we are able to make rational decisions. Therefore, we recommend that a publicly available assessment be undertaken by the province to determine the current aggregate demand and supply in Ontario before new extraction be allowed into the greenbelt.

The aggregate industry deflects any questioning of their practices with claims that the “sky is falling” over reserves. The real issue is not whether we need aggregate; of course we do. The real issue is how the producers and the province manage the resource extraction. Public trust has been lost through the poor practices of an effectively self-regulated industry. Before we allow the aggregate producers access to the greenbelt, the coalition maintains that there needs to be reform and a clear strategy for aggregate conservation.

How are these things all tied together? In the end, it's all about good planning within the greenbelt. Caledon's OPA 161 represents an agreement that came about through an extensive consultative process, and committed to by all parties. It is extremely important that this work not be diluted or undone by any interpretation of Bill 135. Thank you.

**The Chair:** You've left about two minutes for each party, beginning with Ms. Churley.

**Ms. Churley:** Thank you very much, and I'm so glad you're here raising this issue, which is one of my pet peeves about this piece of legislation. In fact, you mention the Pembina Institute's study. It says that it perhaps gives gravel pits priority over almost every other land use and could seriously undermine the province's attempts to preserve open countryside, drinking water and natural heritage for generations to come; and that by some people's measures, it could be easier to build a pit mine inside the greenbelt than outside.

Those are pretty damning words and of great, great concern. So it does sound like you share the concerns I've expressed: that without the amendments to change that, the greenbelt could become a gravel belt. That's the way I referred to it.

I have a lot of questions around it. Obviously we need that changed, we need that amendment made, and I'll be putting that forward. Would you support perhaps an increase in the fee per tonne on aggregates to fund research and aggregate recycling and substitutes? As you pointed out, government and the industry needs to be doing far more in that area.

**Ms. Symmes:** We would totally support, and it's long overdue, an increase in the tonnage, because what we're



doing is subsidizing. Whenever something is underpriced comparative to other jurisdictions—the UK is C\$4 a tonne and Sweden is C\$1 a tonne—it gets wasted. That's what's happening. We are wasting our resources, with a huge impact on the environment.

**Ms. Churley:** It's so easy for them. There's not enough pressure there and not enough legislation, regulations, assistance or whatever from the government to force that recycling and substitution—the things that have to happen.

**Ms. Symmes:** Absolutely. There has to be an incentive for them to be more efficient and to not just pull it out of the ground, never rehabilitate—I shouldn't say "never rehabilitate," but do a very low rate of rehabilitation. Then there is big impact and there is no incentive for us to be reusing and recycling. With both an increase in the tonnage fee and then at the other end a higher rate for them to dump into landfill sites, it creates this push-pull effect which can be very positive for us to be recycling much more and using fewer non-renewable resources.

**Ms. Churley:** Thank you very much.

**The Chair:** For the government side, Ms. Van Bommel.

**Mrs. Van Bommel:** Thank you for your presentation. We've also had presentations from the aggregate industry. One of the things that they told us about aggregates in this province is that the GTA is one of the major customers, and if they can't bring it from within the greenbelt, then they'll have to truck it in from other jurisdictions, which certainly puts a lot of traffic on the roads and puts a certain burden on the infrastructure. How do we respond to that?

**Mr. Bob Gardiner:** The issue of transportation of aggregates, I think, is one that goes back way too long in terms of constantly supporting a truck-driven system of transportation when oftentimes, again, elsewhere in the world—we were referring to it just a bit ago—you have water and you have rail as the significant means of transportation. If we have to start to look elsewhere for aggregate, beyond the so-called GTA, and there's a great deal there, then at the same time we have to develop sensible strategies for transporting that aggregate. I look at Manitoulin Island right now, where Lafarge is comfortably moving that material throughout the lakes to as far away as Sept-Iles, Quebec.

If we want to maintain a business-as-usual strategy, we have a problem, because it's not sustainable. We have to look elsewhere.

**Mrs. Van Bommel:** In your presentation, you also state that "aggregate operations can have devastating impacts on the quality and quantity of water resources." One of the things that a lot of people who get their water from a pipeline don't quite understand is that whole concept of what happens to the groundwater. Can you explain that particular statement?

**Ms. Symmes:** It's quite a complicated issue. I'll try to keep it as simple as possible.

**Mrs. Van Bommel:** And short too.

**Ms. Symmes:** Yes, short as well. First of all, depending on the system that's used, there is a huge

drawdown effect. It's like when you dig into a beach. The drawdown water sinks down below the water table and becomes inaccessible to many things—people, wildlife etc. Also, there's lots of contamination that can happen within the industrial site that gets into the groundwater, it contaminates it. Once the groundwater system is contaminated in an area, it can take hundreds of years for it to be cleaned up.

**1230**

**The Chair:** Thank you. For the official opposition, Ms. Munro.

**Mrs. Julia Munro (York North):** Thank you for coming today. I want to ask you a question with regard to the success that you had with your OPA 161 that you reference in your presentation. Certainly, without any more detail than that which you provide, it sounds like the ultimate, the goal, in terms of having the various stakeholders and being able to come up with decisions based on that.

In your last sentence you say that "it is extremely important that this work not be diluted or undone by any interpretation of Bill 135." My question, then, has to do with that caution, because we've certainly heard a number of presentations in the last couple of days where there has been concern raised over the value and importance of local planning. Examples have been brought to the committee which would demonstrate a complete contradiction between examples of local planning and Bill 135.

My question to you is, are you concerned that this is a one-size-fits-all approach as opposed to providing local communities with the kind of opportunity that others and you were fortunate enough to spearhead in Caledon?

**Mr. Gardiner:** I think what has to be addressed is that with each of the municipalities there are significant disparities. Caledon probably is unique to the extent that we have virtually every single variable imaginable within a greenbelt environment—a significant agricultural base, an aggregate base etc.—so that the town, the region and the province really have to work hard to bring these issues to the table and to make sense of them. I think that's what has been done in this case. So, because of the issue of disparities, you really have to engage the municipalities as best you possibly can, because they are the front-line defence, if you will; they are the ones facing the issues on a regular basis, and they're the ones who can best deliver from the ground up, if you will, as far as policy is concerned.

**The Chair:** Thank you for your delegation today. We appreciate your being here.

**Ms. Symmes:** Thank you. And we have coyotes in Caledon as well.

**The Chair:** I know you do.

#### RESCUE LAKE SIMCOE COALITION

**The Chair:** Our next delegation is Rescue Lake Simcoe Coalition. Welcome, sir. Good afternoon.

**Mr. Robert Eisenberg:** Good afternoon.



**The Chair:** If you could identify yourself for Hansard and the group that you speak for. When you begin, you'll have 15 minutes. Should you leave any time at the end, we'll be able to ask questions. I'll give you a one-minute warning as you get close to the end.

**Mr. Eisenberg:** Honourable MPPs, Madam Chair, I am chair of the Rescue Lake Simcoe Coalition and a director of Ontario Nature, the FON.

**The Chair:** Would you identify yourself, please.

**Mr. Eisenberg:** Bob Eisenberg. Sorry.

**The Chair:** Thank you very much. OK.

**Mr. Eisenberg:** Ontario Nature partners with conservation groups all over the province and has about 25,000 members. The Rescue Lake Simcoe Coalition is an umbrella group of 13 ratepayer groups in the Lake Simcoe watershed. I can say without fear of contradiction that we all applaud the recent greenbelt legislation.

If, however, this government's goal is to protect southern Ontario's finest environmental and agricultural features, including Lake Simcoe itself, it must expand the greenbelt—

*Interjections.*

**Mr. Eisenberg:** I'm sorry. Should I just play through when people are talking and everything like that?

**The Chair:** If I find them distracting, I'll shut them down, but I'm listening.

**Mr. Eisenberg:** Thanks. If, however, this government's goal is to protect southern Ontario's finest environmental and agricultural features, including Lake Simcoe itself, it must expand the proposed greenbelt to include south Simcoe and the Lake Simcoe watershed.

Bill 135 is vital to the survival of Lake Simcoe. It's hard to grasp that this huge lake that has given us so much pleasure and is the underpinning of the recreation industry, responsible for 40% of the local economy, is deteriorating. Weeds clog beaches and marinas, beach closings are increasing, the cold water fishery is no longer self-sustaining, and water quality is threatened.

Lake Simcoe is the largest inland lake solely within Ontario. It's a natural resource as valuable to Ontario as the Oak Ridges moraine or the Niagara Escarpment. The Lake Simcoe Environmental Strategy Group—LSEMS—a study group under the auspices of the conservation authority, has identified excess phosphorus input as the major cause of the lake's deterioration. Just as carbon dioxide is a surrogate for all the other contributors to sick-building syndrome, phosphorus is a surrogate for most of the other pollutants that threaten the lake.

LSEMS, Ontario Nature and Environmental Defence have all identified uncontrolled, poorly planned growth as the chief culprit in the increase in phosphorus input in Lake Simcoe in recent years. Numbers presented by LSEMS indicate that, notwithstanding the reduction in phosphorus loading from farmers and all the efforts by the authority and ordinary citizens, phosphorus input into the lake has not decreased. The problem is that non-point loading, which is runoff from newly urbanized land, has doubled in the last 10 years. Population growth outside settlement areas has simply overwhelmed all other efforts

to stop the lake's deterioration. We have all awakened to the alarming facts that not all growth is desirable or sustainable. Maximum growth anywhere is no longer optimum growth.

That's why we need your help—Conservatives and Liberals. Individuals can only do so much. We're willing to build our docks according to regulations designed to protect fish habitats, to refrain from adding sand or even rocks to our shorelines, and from building lakefront embankments to enhance our properties. And throughout the watershed, our Wave project—Healthy Yards, Healthy Waters—has caught fire: People are avoiding phosphorus-based fertilizers and planting perennials instead of grass.

Forgive me for saying it, but it's hard to ask people to respect the regulations and remediate their properties when at the same time new developments are gouging out canals, building new marinas and making wholesale changes to shorelines. This used to make sense, but for those of us who have followed carefully the progress of Lake Simcoe, it just doesn't make sense any more. We used to think of the lake as a vast, invulnerable resource; it doesn't seem that way to us any more.

That's why we must support the greenbelt legislation. That's why schoolchildren are writing letters asking us to save the lake. That's why the Wave is so popular. We are experiencing a groundswell of support, but we need your help. We will not succeed in saving the lake without the protected countryside designation of the greenbelt legislation.

The value to Lake Simcoe of the greenbelt legislation is jeopardized by the failure to include Simcoe county. Excluding Simcoe county encourages developers to leapfrog York and Durham. Development pressures from Toronto on the Lake Simcoe shoreline are monumental. Projects on the drawing board outside recognized growth areas in Simcoe county threaten the lake and the Lake Simcoe way of life.

There are several ways in which you can help: Expand the greenbelt to include Simcoe county. The provincial watershed study includes an investigation into the carrying capacity of Lake Simcoe to withstand further development outside of settlement areas, so until the lake's carrying capacity study is completed, at the very least restrict growth to existing settlement areas. Again, at the very least implement the proposed change to Bill 26 that requires that OMB and other land use decisions be consistent with Ontario's provincial policy statement.

What I really want to tell you is that growth doesn't mean sprawl. Before becoming involved with Ontario Nature and the Rescue Lake Simcoe Coalition, I worked on the city of Toronto's main streets housing initiative and was privileged to be on the mayor's task force that produced the King-Spadina and King-Parliament initiatives. From my involvement with the two conservation groups, I learned about the deleterious effects of poorly planned growth, but from the committees, I learned that a huge portion of Ontario's planned population growth can be accommodated in the city and that



very palatable zoning changes can have huge beneficial impacts on the lives of Torontonians and Ontarians. Seemingly minor changes to land uses in these formerly dilapidated areas unleashed an incredible building and revitalization effort that goes on to this day.

So here is the thing: Southern Ontario is losing between 40 and 60 acres of prime farmland, woodlands and wetlands a day due to poorly planned growth. It's obvious to everybody except some in the development industry and some who hope to sell to the development industry that this just can't go on.

1240

Other jurisdictions have understood this. In California, we've just heard, a state with a population the size of Canada's, one can drive for miles in Marin and Sonoma counties without seeing a subdivision. Building takes place within town limits. Outside Nice, France, you would be laughed at if you wanted to rezone a farm. A farm is a farm. New York City is committed to spending US\$1 billion to protect its water and undeveloped lands.

The argument we need the subdivisions to offer affordable housing just doesn't wash. In the first place, and this is the most important thing, subdivision housing is not affordable housing; it's subsidized housing. Ask the people in Milton, who were told that the new developments would pay for themselves and who are now faced with increased tax bills for the next 10 years. The cost of roads, schools and services always exceeds the development charges and new taxes. Ask the people in town whose main streets are threatened by the malls that service the subdivisions.

The cost of new subdivisions in lost farms, lost wetlands, lost woodlots, lost species, lost environmental filtering of pollutants and loss of a way of life that most of us treasure is incalculable, and it's unnecessary. We have enough land in brownfields, along main streets, along hydro rights-of-way to accommodate growth for the next 30 years with existing densities. If densities are marginally increased, the supply will last much longer.

My old company built infill, neighbourhood-related, medium-density housing in Toronto that provided a wide range of housing, from subsidized to affordable to luxury. With the benefit of a workable main streets housing program, Toronto and other communities could provide exciting, affordable, civic life-affirming housing that would subsidize municipal services rather than require taxpayer subsidy to support.

In order to ensure the effective implementation of the greenbelt strategy, we urge you to implement a greenbelt advisory committee with real teeth, funding and intelligence to oversee this great initiative.

In conclusion, I have to say that we may be the first generation that will be remembered less for what we have built than for what we have preserved. We will be remembered less for the quantity of new houses and shopping plazas that we built on the outskirts of our towns and villages than for the quality of life we have brought to our main streets and neighbourhoods. And you will be remembered by those of us who live in the Lake

Simcoe watershed for what you did to save the lake and the Lake Simcoe way of life.

There is evidence that Lake Simcoe is reaching a tipping point. Increased water clarity due to zebra mussels, fish restocking and Band-Aid solutions such as weed removal have combined to disguise the gravity of the situation. Property taxes are being appealed, and tourists are afraid to swim in the water. That's why Mayor Grossi of Georgina convened a meeting of mayors from the watershed and provincial representatives to discuss the problem and to seek solutions. That's why the membership of the many organizations under the Rescue Lake Simcoe Coalition supports the greenbelt legislation and asks for your help with Simcoe county.

The government is showing enlightened, pragmatic leadership. The greenbelt legislation reflects Ontario Nature's greenway strategy and Environmental Defence's NOAH plan, and years of research and input from the province's most knowledgeable and sophisticated land use and habitat experts.

Implementation of the greenbelt, combined with programs that create farm trusts or allow farmers to swap tax benefits and development rights, main street housing programs, and attention to Simcoe county are all practical, achievable measures that would ensure the legacy of this government would be to conserve for our children and grandchildren an environmental and civic landscape unsurpassed anywhere.

Sometimes it takes outsiders to tell us what we already know. When friends visit from other parts of the world, you won't be surprised to hear that I don't take them to Richmond Hill or even Newmarket, nice communities though they may be; I take them to Lake Simcoe, and they're blown away. The birds, the fishing, wildlife, swimming, boating, things we take for granted, they can't get over. I'm getting emotional about this. It's so weird. When I wrote it, I wasn't emotional.

I hope my grandchildren and yours can play by the shore on unspoiled beaches, catch crayfish in the rocks, swim in unpolluted water. You can make this happen. That's something to be remembered for.

**The Chair:** Thank you, Mr. Eisenberg. You've left one minute for each party to speak, beginning with Ms. Matthews.

**Ms. Matthews:** Thank you very much for that presentation. I think it speaks very eloquently of what we are trying to do. I must say it's good to hear from people who are committed not to their self-interest but to the interest of future generations, and I thank you for that. We're now in the fourth day of these hearings, and we hear from people who want us to slow down or stop, or we hear from people who want us to expand. So we hear from people who are in and don't want to be in, or from people who are out and want to be in. I guess that's our job as politicians, to decide which side of that line to fall on. I'm very happy to say that I certainly fall on your side of that line. Thank you very much.

**The Chair:** From the official opposition, Mrs. Munro.

**Mrs. Munro:** As someone who has always recognized the importance of Lake Simcoe and worked with



community groups in this particular area, I'm pleased that you were able to be included in the presenters today.

One question, though, that I have for you: In the presentation, you refer to the need for the inclusion of Simcoe county. My question to you is whether or not you would consider the importance of watershed planning. The reason I say that is simply because of the fact that the shoreline of Lake Simcoe includes more than south Simcoe county.

I'm concerned, as I raised the issue with the previous presenters, about the need to have localized input into the planning process. It would seem to me—and you made reference to the study that the conservation authority is doing—that watershed planning is perhaps even more important than the inclusion of all of south Simcoe county.

**Mr. Eisenberg:** Thank you for that question. It's tough to prioritize, but if I had to—it certainly seems obvious to all that the greenbelt has received over 15 years of study. The fact that it doesn't include Simcoe county merely means that there's more work to be done. I certainly would not want to throw out the baby with the bathwater.

More specifically to your question, watershed study is very important, and that's why we've asked for a moratorium on development in Simcoe county in particular until the greenbelt can be expanded and further studied. What the government said is that they've studied south of Simcoe county; they just haven't been able to include Simcoe county yet, but they will. Fortunately, we have Bill 26. If they have that "be consistent with" clause included—

**Mrs. Munro:** It is there.

**Mr. Eisenberg:** Apparently it's not yet enforceable, and if we had the moratorium on development until the government can include Simcoe county and this watershed study could be completed, we'd be very happy. But I don't know if that answers your question.

**The Chair:** It's enough of a question in the time that we have available. Ms. Churley.

**Ms. Churley:** Thank you, Mr. Eisenberg. Just for the record, you mentioned that you needed some help from the Liberals and Tories. I just wanted to let you know—

**Mr. Eisenberg:** And the NDP, of course.

**Ms. Churley:** —you've got it from New Democrats, because we will be putting forward an amendment that says—

**Mr. Eisenberg:** I just never heard the NDP say that the plan was poorly considered.

**Ms. Churley:** I understand what you're saying. South Simcoe will be one of our amendments. It's just a no-brainer. It should be included because of the stresses there already. Talk about scientific evidence that already exists for that area; there's no excuse to leave it out.

I guess my question, though, would be more generic. You're a developer, right?

**Mr. Eisenberg:** Yes.

**Ms. Churley:** You're one of the few developers that come forward in such support of the greenbelt. We had

some before you, talking about how house prices are going to go up for new immigrants and how all kinds of horrible things are going to happen if the greenbelt goes through. Why are you, as a developer, in such support of curbing urban sprawl?

**Mr. Eisenberg:** I didn't pay her to ask that question, I promise.

**Ms. Churley:** No, we've never met before.

**Mr. Eisenberg:** That's what I do for a living. We restore architecturally interesting old buildings in my company, York Heritage Properties, and we build tons of housing on main streets and in infill sites. Toronto has enough land for the next 30 years.

The big point I made, I think, is that if subdivisions were truly to pay their way, they wouldn't be affordable. That's the thing that we must always consider. The fact is that developers will come to us and say, "We're not going to add any more phosphorus to the lake. In fact, we're taking it out." But they don't talk about the phosphorus that's going to come into the lake when they tear down trees, when they tear down shrubbery and all the natural buffers. Even the conservation authority can't respond to that because nobody knows. All we know is that non-point loading has doubled in the last 10 years. So what's the cost of that? What's the cost if Lake Simcoe dies?

1250

**Ms. Churley:** So you're talking about the externalities of the subdivisions and everything that never gets counted into the—

**Mr. Eisenberg:** Sure, but that's my particular prejudice. If you want to talk just actual facts on the ground, read the Golden report, read Environmental Defence's report. They'll tell you that for every dollar in tax revenue they raise, it costs them \$1.20 to service. Why is that extra 20 cents not included in the development costs of those subdivisions? You know why? Because it would no longer be affordable housing.

**The Chair:** Thank you very much, Mr. Eisenberg. Thank you for your passion. We appreciate it.

## CROWN BENCH ESTATES WINERY

**The Chair:** Our next delegation is Crown Bench Estates Winery. Welcome. Please identify yourself and the group you're speaking for. When you begin, you're going to have 15 minutes. I will try to give you an idea that you're getting close to the end once you do. If you leave time, we'll be able to ask questions.

**Ms. Livia Sipos:** My name is Livia Sipos. I am the president and partner, with my husband, Peter Kocsis, in Crown Bench Estates Winery. I am also the Grape King for 2004 in Ontario. I also happen to be a lifelong Liberal. Above all that, I am most proud to be a farmer.

The greenbelt legislation impacts on all of the above. In case you don't know, the Grape King is a yearly selection, chosen by a committee from the Ministry of Agriculture and Food, and it is the best example of the best-kept, most innovative vineyard, exhibiting sound



agricultural practices, ecological management and stewardship.

As awkward as I may look wearing this chain—and believe me, it's heavy, about 15 pounds—this chain of office has on it 49 names; mine is not on it yet. I am the 50th Grape King. This represents 50 years of farmers looking after their land, keeping our space green, not for any kind of big prize, because mostly we get nothing, not even a really good prize. But we've done all this for 50 years and we have kept this space green without impending legislation. We didn't need that on top of us.

As is the case with most policy initiatives from government, the people affected are compelled to merely modify the impending legislation, knowing full well that they cannot stop it. I feel that the greenbelt legislation will have catastrophic and far-ranging effects on most of the stakeholders, and I am speaking here of the small wineries and the grape growers.

As I said, the honour of Grape King accrues to the best-kept vineyard. I was able to garner this honour because, as a winery, I am capable of producing a value-added product that paid for the extra care that the vineyard required. Fruit farms, including grapes, do not cash-flow. The government and its various departments know this and have known this for a long time.

A long time ago, agriculture gave birth to civilization and a contract was entered into between producers and society. The contract promised a fair return on one side and the farmers promised not to hold society hostage to starvation. It wasn't that long ago that another commodity sector, the oil sector, bandied about the phrase "Let them freeze in the dark" as their economic leverage. Farmers have had a much more potent economic weapon, but we have never, ever used it or threatened to use it. While you and I may be able to survive a week without fuel, the price of a hamburger would escalate by the hour if there were nothing else to eat.

We have kept our promise, and in return, perversely, government and society imposed a cheap food policy on the farmer. When the first Grape King was crowned, half the population of this province were farmers. We have become so efficient that now only 2% of our population are farming, and most of those are barely able to eke out an existence, except for the marketing board sector.

To a large degree, the damage has already been done. What amounts to an equity lockdown has already impinged on the economic well-being of the Niagara Peninsula, because modern farming is very capital-intensive, requiring an ongoing cash outlay that at the best of times is hard to get and is now even more difficult.

The greenbelt legislation at its inception gave scant attention to farming, and rightly so. By definition, a greenbelt is not a farm. Monoculture and intensive agriculture are anathema to the environmentalists. They are merely paying lip service to the preservation of farmland because it's politically correct. The government in this case is not far behind. The agricultural policy and its contents were an afterthought, so much so that the very policy gives lie to the rest of the impending legislation.

Far from contemplating any compensation, monetary or otherwise, the legislation, in a perverse turn, grants farmers the right to a return on value-added product equal to 100% of the gross that farm produces. On my farm, that would mean that if I were to ask for a winery licence under the new legislation, if I produce 100 tonnes of grapes, I would only be able to vinify 10 tonnes of that to meet the new farm policy the Liberals have brought down.

The genesis of this legislation is the convergence of two sets of events: first, a newly elected government which has found itself with no budget and is therefore in desperate need of a feel-good, look-good policy. The second impetus came from certain stakeholders in the wine industry that capitalized on this by wrapping themselves in a green flag. The government is being duped. The wholesale decline or theft of equity plays into the hands of multinational conglomerates and will make farmers serfs on their own land.

The designation of the Niagara Peninsula as a greenbelt in this case is tantamount to expropriation and the wholesale interference in and degradation of the economic well-being of a whole sector of the farming economy for the benefit of a few large players. This scenario is not unique to Ontario; in fact, the very examples used to justify this legislation include places where farmers have actually become serfs on their own land, serving large wineries while barely making a living. The process is all too familiar and exemplified in California, and this legislation begins the process in Ontario.

This involves first eliminating the power of farmers to sell their land for the fair market value it might bring. The next step involves the purchase of these farms by absentee landowners who have no interest in farming and use it as a tax write-off and who subsequently contract the properties to large wineries. Examples of this absentee ownership can be found in townships surrounding Toronto, where million-dollar mansions sit in the middle of prime number 1 agricultural land. This is precisely why the greenbelt has its sights on the Niagara Peninsula.

The process of alienation has already begun. Wineries are already demanding that in order to purchase grapes, they must have a contract that places a restrictive covenant on the land, as repugnant as this is to common law. The usual form is a 10-year contract that is renewed every five years for another 10. Not satisfied with the lowest price for grapes in any jurisdiction in North America, the large wineries want to bring down grape prices further. The two largest wineries already manufacture over 90% of the wines sold in Ontario, but 70% of this wine, which they sell under labels such as "Cellared in Canada" or "Bottled in Canada," is imported under tariff barriers that include subsidized wines from exploited offshore labour. The aim of these stakeholders is to bring domestic prices in line with surplus and highly subsidized grapes from offshore. The government is being duped. It is rushing into a complex economy with little knowledge of the intended, never mind the unintended, consequences of its action.



The implications of the greenbelt legislation, except as noted above, have been theoretical. Its effect is, however, foreshadowed by the Niagara Escarpment Commission legislation. Not wanting to belabour the boondoggle and ineptitude demonstrated by the NEC, suffice it to say that its abolition has at times passed second reading in the Legislature.

Two acres of my farm is designated as Bruce Trail. This designation is tantamount to expropriation. But beyond this, the regulations impose a hardship not only on my economic well-being but also on the control and care of my vineyard. I wanted to install a culvert in my creek to stop ongoing erosion emanating from the escarpment. It was demanded that I undertake an engineering study and an environmental assessment, which was estimated to cost over \$30,000 before my application could be considered. All this to install a \$150 culvert to stop my grapes from flooding. How many such ongoing examples will the greenbelt create? And how many litigious cases will be in front of the court for generations to come?

1300

The complexity of the impending legislation is also clearly foreshadowed by the existence of the LCBO, which, among other things, restricts my constitutional right to market access and the right to make a living. While societal control of alcohol is laudable, the imposition of a monopoly has created an aberrant economy. The LCBO restricts domestic access on the one hand, and has granted 300 off-site stores to two of the largest wineries, through which they sell mainly offshore wines, as does the LCBO. There are nine countries that sell more wine at the LCBO than Ontario. England, a country that has no vineyards at all, sells half as much wine as Ontario. The Legislature, in its wisdom, has legislation on the books called the Wine Content Act that states that to have a winery licence in Ontario, you must manufacture wines exclusively from Ontario grapes. Ostensibly to prop up the domestic manufacturing of domestic products, the Legislature enacted a "notwithstanding" clause to this act which has allowed large wineries, along with the LCBO, to dominate the market with offshore wines. This has effectively marginalized 97 out of the over 100 small domestic wineries.

After all the objections that have been raised in front of this committee, if it is still the intention of the government to pass this bill, they must become cognizant of the complexity of the overall economy and the rural societies that they are affecting. To be more precise, to balance the scale, the following have to be included:

—Stagnated communities must have additional funds allocated to them to overcome an eroded tax base.

—Infrastructure for badly needed rural communities must be provincially funded. Most of us farmers in the Niagara Peninsula don't even have city water, never mind sewer. We were lucky to get gas five years ago. There's no public transport. We have nothing there, and we will continue to have even less after this passes.

—Eliminate the "notwithstanding" clause from the Wine Content Act.

—Allow domestic wineries to have additional retail outlets.

—Mandate the LCBO to general list at least one wine from each winery.

—Increase the taxes on blended Canadian wines.

—Decrease the mark-up on Ontario wines and cap LCBO mark-up for domestic wines at \$15.

While it is laudable for the government to try to preserve green spaces for future generations, it must not do this at the expense borne solely by an economically vulnerable sector of society, in this case farmers. The cliché is, if it ain't broke, don't fix it. The greenbelt legislation posits a tabula rasa that for all the world sounds like Dodge City, with development growing unchecked. In fact, there are municipal, regional, provincial and environmental laws that curtail expansion. The only reason this legislation is being pushed through at break-neck speed is for the Liberal government to give something to the urban voters. They are mentored in this by the large wineries and their supporters to get the farmers off the land, the very opposite of this legislation's intentions.

**The Chair:** Thank you. You've left us a minute each for each party, beginning with the official opposition.

**Mr. Hudak:** Livia, great job. Congratulations again on your office as the Grape King for Niagara. As you described very well, it's a reflection of the environmentally friendly approach you use on your vineyard.

You make an excellent point—I don't have much time—with respect to the recommendations of the advisory committee, the Vanclief-Bedggood, which would limit the size of a building and the value of production for value-added. You say if you had 100 tonnes of grapes, you could actually only press 10.

**Ms. Sipos:** Under this new bill, we could only vinify 10 tonnes of grapes and only build 1,600 square feet.

**Mr. Hudak:** It's a bit ridiculous, isn't it?

**Ms. Sipos:** It doesn't even—it was a waste of paper. I'm sorry it wasted a tree.

*Interjection.*

**The Chair:** I don't want any debate about this. You can answer your question without interference.

**Ms. Sipos:** I'm sorry.

**The Chair:** No, no, it's not you. You finish answering the question.

**Ms. Sipos:** It's an untenable situation. There is no logic in that.

**Mr. Hudak:** I think what the committee members fail to realize when they talk about how it's going to help the wineries is that most of the wineries that exist in Niagara could not have opened under what the government is proposing. Henry of Pelham could not have opened—

**The Chair:** Thank you, Mr. Hudak. Ms. Churley?

**Ms. Churley:** Thank you. I have to comment on the title of your presentation. It's very creative: Field of Screams.

**Ms. Sipos:** Yes, that is the consensus in farmland down there.



**Ms. Churley:** You mentioned the LCBO. The government just recently announced a review. I notice that in no part of the terms of reference was a review of how they sell domestic wine. I presume you would like to take that review as an opportunity for the government to make the LCBO look at ways of changing their policy for there to be more domestic wine sold.

**Ms. Sipos:** Definitely.

**Ms. Churley:** That was easy.

**Ms. Sipos:** Yes, that was easy. I think most Ontarians want to support an Ontario wine industry, but when they go to the LCBO and see a bottle and it says on it, "Cellared in Canada," or "Bottled in Canada," that has 70% off-shore wine. People don't know that. Only VQA wines are 100% Ontario wines. And only 4.5% of LCBO sales of wine is VQA wine.

**The Chair:** Thank you. For the governing side, Mrs. Van Bommel.

**Mrs. Van Bommel:** Congratulations on your honour.

I apologize for interrupting; that wasn't very good. I'd like to go back to that very comment, though, because nowhere in this bill does it say anything about value-added farming enterprises or anything like this. I don't understand where you get the idea that by enacting this bill, which is enabling legislation, somehow we are going to restrict what you can do in terms of value-added on your vineyards.

**Ms. Sipos:** Have you read the agricultural report that has come down to help us out?

**Mrs. Van Bommel:** I've read it and I've seen it. I certainly share concerns about what's in that particular report, but those are recommendations. They are not part of this bill.

**Ms. Sipos:** Well, they are recommendations happening at the same time—this greenbelt legislation is hitting us, the agricultural recommendations and the review of the LCBO. All three impact on my sector of the industry.

**Mrs. Van Bommel:** We heard yesterday from the Christian Farmers Federation, and they too said that a lot less of the consumer dollar is working its way down to the farmer. We are receiving less and less of that. There was a discussion about the fact that the farm community would probably have to start looking very closely at expanding our operations into value-added. You're saying that you certainly need the value-added component of your farm operation. You need to take it past simply producing the grapes and into putting it into a value-added product.

**Ms. Sipos:** Exactly, but the new legislation for value-added—it says the government is promoting value-added, but the value-added income cannot be over 100% of your gross sales. You are restricted—

**Mrs. Van Bommel:** But we're not saying that

**The Chair:** I don't want any argument. Please let the delegation answer.

**Ms. Sipos:** It says right there.

**The Chair:** Thank you very much for your delegation. We appreciate your being here. Congratulations on your honour.

## ONTARIO ALLIED GOLF ASSOCIATIONS

**The Chair:** Our last delegation this morning in the public portion of our hearings is the Royal Canadian Golf Association.

**Ms. Teri Yamada:** Good afternoon. My name is Teri Yamada and I'm with the Royal Canadian Golf Association. My background is in environmental horticulture and agronomy. I'm here this afternoon representing the Ontario Allied Golf Associations. Included in that group is the Golf Association of Ontario, both the Ontario and the Canadian golf superintendents' associations, the National Golf Course Owners Association, and the Ontario Professional Golfers' Association.

I would like to start off by saying that the golf industry truly recognizes and appreciates the need to preserve and protect green space in the Golden Horseshoe. That being said, golf courses have proven themselves to be rather effective buffer or transition zones between rural and urban environments.

But I'm a realist, and I also know that some people just don't like golf. Personally, I think it's perhaps that they just haven't forgiven us for some of the fashions we had in the 1970s. So today I publicly apologize, because there really isn't any excuse for loud, plaid polyester pants. But I think it has been forgiven and forgotten, and in fact I have statistics to show that.

Our statistics show that the participation rate in golf in Canada is second to no other country. In fact, one in five Canadians golf. So as you have population growth in the Golden Horseshoe, there is going to be continued demand for golf in that area, and we have to deal with that.

### 1310

Like I said, golf courses can in fact be an effective buffer zone between rural and urban landscapes, and that's because turf grass has the unique ability both to absorb heat as well as effectively filter water and take some of the contaminants out. So it is indeed ideal for an urban environment. I have actually learned, in discussions with some people at the city of Toronto, that golf courses within Toronto proper play a very significant and essential role in storm water management, and that's because of the ability of turf grass to slow down and absorb the water.

I've been in this business for over 20 years—I know it's hard to believe, but it's true—and I've seen a lot of changes in both the design and maintenance of golf courses. Significantly, as an industry we've spent quite a bit of money researching and finding better ways to maintain golf courses, as well as finding new strains of turf grass that are going to withstand a lot of the stresses so we can reduce our inputs. The reason for this is very simple: water, fertilizer, pesticides are all expense items to us. It makes absolutely no sense for us to overuse them. We're always looking for ways to reduce inputs. But in addition to that, what we have noted—and I think this is quite significant—is a change in the architecture of golf courses, the design. It's a change in taste, but it's



also a change in the way we think about how we manage our properties.

One of the significant changes I've seen is that we've gone from the parkland style of golf course, which is wall-to-wall mowed grass that has to be maintained all as turf, to more target-type golf courses, where we're maintaining the greens, the tees, the fairways and a portion of the rough, and a lot of the remaining land is actually naturalized. We endorse that and we try to promote it.

One of the most significant things about this style of landscaping is that what you're trying to do is encourage the designer—the architect—and the owner, obviously, because they're going to have the final say, to design it so that the topographical features and the water features use the surface drainage as well as the subgrade drainage to recycle the water, so if you take all the water and the drainage and have it run off into your irrigation pond, you can reuse that water on site. There are two benefits to that. Not only are you saving and preserving and reusing and recycling that water, you are actually able to absorb some of the dissolved nutrients in the runoff and reuse that effectively as fertigation, so we get to reuse our fertilizer as well. It makes economic as well as ecological sense to encourage designers to recycle water in their design of the golf course.

That brings us to a concern we have with something in the current greenbelt plan. Under 3.2.2. it reads, "With the exception of mineral aggregate operations, the disturbed area of any site generally does not exceed 25%...." I can guarantee you, if you have a golf course architect go out and walk a piece of land and he's charged with designing an interesting golf hole, but in addition we want him to make sure the topography and the subgrade drainage recycles the water, he's going to have to move more than 25% of that soil. So given the choice of good ecological design of a golf course versus maximizing and limiting the amount of soil moved, we're going to fall on the side of good planning and good design. So that's a bit problematic for us. It's also kind of interesting that in the way this is written, it would appear that it's all right to totally degrade a piece of land by mining it for sand and gravel, but if you're building a golf course on the same piece of land, you can only displace 25% of it. That's food for thought.

Another number that pops up within the proposed plan that has us wanting to understand it better is 4.1.1, where it reads, "Where contemplated within the natural heritage system, applicants must demonstrate that at least 30% of the total developable area of the site will remain or be returned to a self-sustaining vegetative state...." "Self-sustaining vegetative state": We would tend to interpret that these are naturalized areas, and we have encouraged golf courses to introduce or bring back some native species of herbaceous plants, trees and shrubs, as well as turf grasses, so we can lower our costs, quite frankly, to maintain them. If they don't require water, don't require fertilizer and you don't mow them, that's great.

In fact, back in 1993 we introduced something called the Environmental Guidelines for Canadian Golf

Courses. You can find that on our Web site. From there, we decided we needed to find tools to help our member clubs adhere to those guidelines, and one of the things we introduced in 1996 was something called the Audubon Co-operative Sanctuary Program for Golf Courses. The reason we like this program—it's now managed by Audubon International out of Selkirk, New York—is that it's a voluntary but educational program. It teaches superintendents and golf course owners and operators how to maintain the non-golf parts of their property as wildlife habitat and encourage that, so they're introducing specific food sources and habitat species. In addition to that, they concentrate on the golf portions of the property and encourage them to learn how best to maintain those.

So it's not only educational, but what I like about the program is that it recognizes that each golf property is unique, that you can't really have a cookie-cutter "maximum this, minimum that." You have to take into consideration the site. We do continue to encourage our golf course members to participate in programs such as that. We find that, if you just put minimum and maximum percentages etc., unless it is science-based—if we know that wildlife biologists can show us that 30% is the magic number so that you're going to draw the indigenous species back to a site, great. But I haven't been able to find that in any scientific literature.

Our preference is to have language that would encourage our golf course owners, operators and superintendents to participate in programs that are going to maximize the portions of their property for wildlife habitat, maximize area and usage of native species and minimize inputs. That's why we continue to spend money on research in those areas.

One last point would be in reference to 4.1.2, which talks about potential uses on the designated agricultural lands. What we have found in the past is that because golf courses are covered in turf, turf will degrade and will actually enrich the soil by becoming part of the organic content of that soil. What better way to land-bank marginal agricultural lands if you want to reintroduce it as part of your agricultural inventory in the future? So what we ask is that golf courses be considered for some types of agricultural lands within the designated areas. We're not saying to take prime agricultural land out of agriculture for golf—heavens, no—but there are marginal pieces where, if you want to create that buffer between the urban sprawl and the rural communities, golf is actually not a bad option.

If your concern is, if you do land-bank for future agricultural use, how is that golf course being treated? Are pesticides being used? Should we be concerned about that?—well, we have something in the industry called integrated pest management. Beyond that, we decided we needed to give IPM teeth, so the industry has come up with what's now known as IPM accreditation. This is a system that is third-party operated. Through a system of examination, you will now know that you have here an IPM officer who is well trained and understands all the tenets of IPM. Beyond that, there is an annual



written audit, and every three years they can expect to have an on-site audit. These audits will be performed by recognized Canadian environmental auditors. The whole system is arm's-length: It's run by Ridgetown College, and it's the program proper that pays for the auditors so that they are not employed by the golf course. That is one way of ensuring that, if a golf course is in an area that may one day be reintroduced into the agricultural inventory of land, as long as it's IPM-accredited, you can have some comfort that it's being maintained very properly.

I'd like to finish by saying that we look forward as an industry to continue to work with the government as it moves forward in finalizing the greenbelt plan, as well as a source water protection act. We have great interest in that, in protecting our waters. We do feel very comfortable that golf is an effective option to maintain green space, especially as urban areas continue to spread and push further into rural areas. Thank you.

**The Chair:** You've left a minute and 30 seconds for each party, beginning with Ms. Churley.

**Ms. Churley:** Thank you very much for your presentation. I'm not a golfer—I admit I'm one of those—but my partner is. Even now, he looks funny when he goes out to golf, I have to say. I will not show him the Hansard from this committee hearing. I'm in trouble now.

Just in terms of the greenbelt in general, you mentioned something that I have a big concern about: aggregate extraction. It does seem a little funny to me that they have almost carte blanche to operate within the greenbelt and you don't. I guess my question is, why would a golf course, especially within prime agricultural farmland and other environmentally sensitive land, where, as you mentioned, there are all the issues like the huge pesticides issues and other problems, which I know some are trying to deal with—why would golf courses, and why should they, be allowed on this very environmentally sensitive land?

**Ms. Yamada:** As I was referring to, the whole design idea. In a well-designed golf course maintained with the latest science, so we know we're recycling the water and we have implemented integrated pest management, so everything has been done in terms of sunlight penetration, water drainage, usage of water and fertility and has made the stress on the plants as minimal as possible, then pesticides, which seems to be the main concern, will be minimized. If you create a situation for a plant to grow where it doesn't get diseased or stressed, you won't need to use the pesticides. If you use water judiciously, then you're not wasting water. A well-designed golf course, maintained properly, is, if not environmentally benign, if you take a piece of already degraded land, you can actually improve it.

**The Chair:** The next question will be from Mr. Rinaldi.

**Mr. Rinaldi:** Thank you very much, Ms. Yamada. It's great to have you here today to share your concerns with this committee. Let me tell you, first of all, that if you

can design a golf course where the ball will go straight, I will support all your recommendations.

Having said that, though, you made some suggestions over constraints that have been put on the industry. The first one, point 3.2.2: I see here that you have some concerns with the percentage of soil movement. Do you have any recommendations as to what number could be there instead of 25%?

**Ms. Yamada:** I think our issue is with placing a number. I do know of some golf courses where, just because the terrain was so spectacular and worked well with the drainage patterns, very little earth was moved. They just sort of clipped out trees as necessary to build the golf course. On others, if it's a completely flat piece of land, they're going to have to move the earth. So what we would prefer is to have, through the Ministry of the Environment, the certificate of approval process. That is still the best way to deal with it because it's site by site. It's site-specific.

**The Chair:** Thank you. Mrs. Munro?

**Mrs. Munro:** Actually, that is where I was going to go with my questions, so I'm back to that. I read what you said, that the land must be disturbed. When I first read that, I was thinking about the land in relation to a flat plain as opposed to the amount; that is, actually moving the earth. So when we're talking about the 25%, we're talking about actually physically moving earth from point A to B within the site?

**Ms. Yamada:** Not necessarily, no. That, if you read it, is very open to interpretation: Are we talking volume? Are we talking square footage? That's unclear to us. But it remains problematic, because if you talk about just disturbance—say we're just talking about square footage now, surface area—you're going to have to disturb the whole thing just to seed it.

**Mrs. Munro:** And that's why I asked the question. I didn't understand what was here, so I hoped you would. As you say, all of it would be disturbed just by seeding. So it seems to me, with the information you've provided us with today, that trying to have an exact number, a percentage in this case, clearly would be problematic. Right now, would you go through a certificate of approval process on a site-by-site basis?

**Ms. Yamada:** Yes.

**Mrs. Munro:** So your position would be to continue and maintain that?

**Ms. Yamada:** Yes.

**The Chair:** Thank you very much for your delegation today. We appreciate your being here.

This concludes the morning portion of our hearings. We will be recessed until 2:15 this afternoon.

*The committee recessed from 1324 to 1418.*

**The Chair:** I'm going to call this meeting to order. Good afternoon. This is the standing committee on general government and it's called to order. We're here this afternoon to resume public hearings on Bill 135, An Act to establish a greenbelt area and to make consequential amendments to the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine



Conservation Act, 2001 and the Ontario Planning and Development Act, 1994.

As a caution, I would tell witnesses, while members enjoy parliamentary privileges and certain protections pursuant to the Legislative Assembly Act, it is unclear whether or not these privileges and protections extend to witnesses who appear before committees. For example, it may very well be that the testimony that you have given or are about to give could be used against you in a legal proceeding. I caution you to take this into consideration when making your comments.

I would also like to remind those in attendance that there should be no demonstration of support for or against any comments made by any presenters or members of the committee.

Lastly, if you have a cellphone, could you please turn it on to vibrate, otherwise it's a distraction to some of our delegations.

### ONTARIO PROFESSIONAL PLANNERS INSTITUTE

**The Chair:** Our first delegation this afternoon is the Ontario Professional Planners Institute. Could they come forward, please? Good afternoon. Welcome. If you could identify the people who will be speaking this afternoon and the organization you represent. When you begin, you'll have 15 minutes. Should you leave time at the end, we'll be able to ask you questions.

**Mr. Gregory Daly:** Good afternoon. My name is Gregory Daly. I am the chair of policy development at the Ontario Professional Planners Institute. With me today, on your left, my right, is Melanie Hare—she's a member of our policy development committee—and Loretta Ryan, who is our staff manager of policy and communications at OPPI.

I would like to thank the committee for the opportunity to speak and note that my remarks today are based on recommendations contained in our letter to the minister, which is dated December 17, 2004. Copies of that submission have been provided to you.

The Ontario Professional Planners Institute, also known as OPPI, is the recognized voice of the province's planning profession. OPPI provides leadership and vision on policy matters related to planning, development and other important socio-economic issues.

Over the years, OPPI has contributed to the reform of planning in Ontario and we've demonstrated a strong commitment to working with all governments. As the Ontario affiliate of the Canadian Institute of Planners, OPPI brings together 2,600 practising professional planners from across the province. In addition, we have approximately 400 student members. The breadth of our members' knowledge and the diversity of their experience provide OPPI with a unique perspective from which to contribute to planning reform. OPPI members work for government, private industry, a wide variety of agencies, not-for-profits and academic institutions, engaging in a broad range of practice areas, including urban and rural

community planning and design, and environmental assessment.

OPPI is a professional association, funded entirely by membership fees and its program and activity revenue. Through our public policy program we conduct research on planning issues and general quality-of-life issues. We distribute this information to our members, government, the public and the media. Our purpose is to provide objective and balanced submissions based on the collective experience and wisdom of our members.

We're pleased that the government is committed to improving the land use planning system in Ontario. The comments in our December submission were based on a detailed review of the greenbelt legislation and the corresponding draft plan. Comments related to the growth management plan were also offered, but in a more general nature given the absence of the specific draft growth plan for concurrent consideration.

OPPI supports, in principle, strong policies and mechanisms to implement a meaningful strategy for growth management and to protect a greenbelt area legacy. We commend the province for the substantial amount of work undertaken within an extremely ambitious time frame. Given the tremendous growth challenges facing Ontario, and in particular the greater Golden Horseshoe, the reinsertion of the province's lead in planning to manage growth is welcome.

Although we support the overall direction that the province has taken with regard to growth management, we are concerned that the proposed policy and legislative initiatives be brought forward in a manner that allows considered review of the critical details, consistency and coordination between complementary initiatives, and meaningful participation from stakeholders. In particular, we are concerned that while the discussion paper, A Growth Plan for the Greater Golden Horseshoe, was released last summer, the draft growth plan has not yet been released. Assessing the merits of the draft greenbelt plan is difficult without this corresponding information. We understand that a draft growth plan will be released soon. We are looking forward to reviewing this plan.

The time allocated for the public, landowners, agencies and affected municipalities to meaningfully participate and comment on plans is very short. Further, the relationship to source water protection legislation is unclear. Clarification is required as to how the lands mapped as part of this process can be interrelated with the greenbelt plan area; also, the lack of a streamlined process identified for amending the text and mapping. It's essential that there is a plan to accommodate any needed corrections.

We recommend that approval of the greenbelt plan and passing of the act be deferred until the growth plan is brought forward. The two plans should be considered concurrently. We request that the draft growth plan be tabled as soon as possible so that any discrepancies between the two can be resolved in a timely manner.

The proposed greenbelt assembles a land base which includes the Oak Ridges moraine, the Niagara Escarp-



ment and the new territory of protected countryside. The provincial policy statement and other provincial policy and regulations also come into play. The result is multiple layers of existing and proposed legislation and policy. It is critical that there is clarity over which policies prevail; otherwise, this additional layer creates confusion and presents unsupportable burdens on the planning process.

More specifically, how will the province address any inconsistencies between the pending source water protection act provisions, as they may not overlap with the natural heritage system lands? That needs to be addressed.

With regard to aggregates and agricultural uses, there is an inconsistency between the Oak Ridges moraine act and Bill 135. The ORM act allows local municipalities to establish official plan or zoning that is more restrictive than the PPS but compliant with the ORM act. In the Greenbelt Act, municipalities are not permitted to establish official plan or zoning that is more restrictive. In addition to an apparent inconsistency, this raises the issue as to whether there should be a process whereby local municipalities should make the case for applying more restrictive policies on a site-specific case.

Also, clarification is needed for the definition of legal non-conforming uses and consideration given to whether utilizing a zoning order would address issues around this new kind of legal non-conforming use. Such a situation creates issues related to obtaining insurance and financing against land assets.

The area defined by the greenbelt raises many questions. There is a need to clarify and explain the parameters used in defining this territory. In particular, further information is needed on the following:

The basis for the delineation of the natural-heritage system, including what features and functions it consists of, requires definition.

The policy meaning and purpose of the water resource system and whether it's intended to consist of a specific spatial feature requires clarification.

The delineation of the boundaries needs to be substantiated. We are concerned about inclusions that do not have apparent natural heritage justification, exclusions where significant natural heritage features have been identified and boundaries which correspond to municipal jurisdictions or geopolitical boundaries as opposed to landforms.

The intention of the government to amend the defined area to reflect the source water protection mapping needs to be made clear.

The plan defers to local municipal plans to delineate exact boundaries for prime agriculture and rural lands within the agricultural system and for the precise boundaries of settlement areas. This would be better confirmed with environmental and other databases, where this information exists.

The implication for lands that are between the growth boundaries and the greenbelt boundaries needs to be articulated. This may be dealt with in the growth plan

but, in the absence of this, it's difficult to ascertain what will happen with these lands.

There is a need to address linkages within the plan and also where these linkages extend beyond the plan boundaries.

OPPI is pleased to see consistency in definitions by referring to the PPS, and it is critical that the basic planning definitions remain consistent throughout government initiatives. Further definitions of "water resource system" and "agricultural system" are required to ensure clarity.

Waste management is a key issue related to sustainable growth that is not addressed in any manner in the greenbelt plan. Policies related to waste management uses in the greenbelt should be outlined in the plan.

#### 1430

There are many implications for landowners within the greenbelt area. In particular, the policies related to agricultural land use need to be supplemented with other strategies to support sustainable agricultural practices. Such a strategy should have reference to the PPS policies on agricultural severances and the Nutrient Management Act. A sustainable agricultural strategy should consider means of supporting and promoting existing agricultural uses; horticultural and field crop production such as greenhouse, organic farming and the like; agricultural supportive uses such as warehousing and processing; opportunities such as agri-tourism, entertainment, and educational operations such as pick-your-own, farm tours and rural heritage sites; and compensation on the basis of environmental benefits or credits.

We recommend that the province should prepare a sustainable agriculture strategy which recognizes the objective of agricultural protection with a range of mechanisms that support the agricultural land resource.

It is anticipated that areas outside the greenbelt, such as Simcoe, Wellington and Waterloo, will face issues related to additional development pressure as a result of the greenbelt area being designated. These implications must be addressed either by the greenbelt plan or the growth plan.

We recommend that the draft growth plan address and provide growth management direction for the communities on all sides of the greenbelt area.

With respect to retroactivity, OPPI does not support applying the new policies to applications that are in process for which a final decision has not yet been made. Many of the applications are in an advanced state and significant investments have been made on the part of applicants and municipalities.

In terms of implementation, Bills 135 and 136 propose to place approval authority at the provincial ministerial and cabinet level. While we support a strong leadership role in directing growth at the provincial level, this represents a significant shift in planning approach and may require some support for municipalities in interpreting and implementing the required amendments to their local planning policies. More specifically, we are concerned that the resources required to review and amend



plans may burden municipalities and there will be significant expenses and effort expended in making official plan amendments and zoning amendments.

We recommend that resources be made available, perhaps on a matching grant basis, to support local governments in their implementation of Bills 135 and 136.

OPPI supports the establishment of a greenbelt advisory council and growth management advisory councils. We request greater detail on the role, constitution and participants. We recommend that the councils include members of the planning profession. As the voice of Ontario's planning profession, we are interested in being involved.

We recommend that a citizen-based model should be considered for the advisory council, and this council should include at least one member of the planning profession.

We support the examination of the potential for development permits as a means to consider impacts on natural heritage features.

The mechanism, responsibilities and resources for ongoing management of the natural heritage system needs to be made clear. It is unclear which agencies are responsible or what resources they will have to make initiatives happen, such as municipal tax provisions, charitable donations and land trusts.

In addition, we note that considerable resources are required to implement the parkland policies of section 3.3.2 and the watershed plans referenced in section 3.2.3. Clarity is required.

We recommend that the province prepare a natural heritage system management strategy which outlines a set of mechanisms, responsibilities and financing options related to creating a sustainable natural heritage system.

**The Chair:** Mr. Daly, you have a minute and a half left.

**Mr. Daly:** OPPI is dedicated in its support of good community planning in this province, and planners can contribute substantially. We urge the government to draw upon OPPI, and we welcome the opportunity to meet with representatives of the ministry.

Thank you for this opportunity.

**The Chair:** We have about 30 seconds for each party, beginning with the government side.

**Mr. Duguid:** I appreciate the work you've put into your presentation and thank you for coming. I've got to say that of the members of your association that we've spoken to, the majority seem to be applauding what we're doing, so it does strike me as being in contradiction to what many of the members of your association have told us.

You talked about consultation and lack of consultation. I'm just wondering how much consultation you would have liked to have had.

**The Chair:** You're going to have to wrap that question up. Maybe you can answer that.

**Ms. Melanie Hare:** Thanks for the question and the opportunity to speak. We applaud the government's

initiative and would support the institution of a greenbelt. I should make that very clear. The length of the considerations in our presentation and our submission to you represents only the fact that we've wanted to look very carefully at what's put forward in draft legislation and the other initiatives, and to provide you with our comments. Our comments and considerations really relate to the implementation and implications of the Greenbelt Act, but we very strongly support the province stepping up to a stronger role in planning, and particularly in the establishment of a greenbelt.

**The Chair:** Thank you. The official opposition, Mr. Hudak.

**Mr. Hudak:** I thank the OPPI very much. I've got to say that I'm disappointed in the parliamentary assistant's rather aggressive questioning. This is the OPPI; they're not a partisan group. They've made some excellent recommendations and they've been perfectly consistent through Bill 26. You basically questioned whether they're representing their members. Shame on you. That was ridiculous. This is a well-thought-out presentation. You said—

**The Chair:** You're going to run out of time if you keep fighting. Continue.

**Mr. Hudak:** I'm disappointed in that approach by the government members. I think you have some excellent recommendations here, consistent with what you've been saying since Bill 26. Clearly there should be a broader attempt that takes in the growth side with the conservation side and the agriculture plan. I appreciate your making those points. Did I read that correctly?

**Mr. Daly:** Yes, you did. Thank you.

**The Chair:** Ms. Churley.

**Ms. Churley:** There isn't enough time to respond to all this, so I would simply ask you: You recommend holding off on going forward with the greenbelt until an awful lot of other pieces are put in place, particularly Places to Grow. How do you propose we deal with this, if that were to happen? The land is just sitting there in the meantime. You know what I'm getting at.

**Mr. Daly:** We don't anticipate necessarily that the greenbelt plan couldn't come into place at the same time as a growth plan—

**Ms. Churley:** But that's not ready yet.

**Mr. Daly:** —but in the absence of a draft growth plan and understanding it, and not having had it released—we understand it's imminent and we appreciate the fact that the government is working ambitiously to do that, but it's very important for the public, for private industry and for municipalities to see both plans, to understand and appreciate—

**Ms. Churley:** I understand what you're saying, but the question is—

**The Chair:** I don't know whether we can get into debate today.

**Ms. Churley:** —in the meantime, what happens? This land: Do you suggest it would be frozen, that we continue to freeze it in the meantime?



**The Chair:** Mr. Daly, I'm allowing you to answer the question, but we've exhausted our time.

**Mr. Daly:** In the absence of the growth plan, it would be helpful for some additional time. I don't have a time frame for that, but in the absence of a growth plan before March 9, as planners, we believe that some time to review that and to pursue the draft growth plan and what it means would be of benefit to everyone. Until that is released, I don't think I could give you a time frame, unfortunately, Madam Member, because we don't know what the scope of it is.

**The Chair:** Thank you for appearing here today. We appreciate it.

#### NORTH AJAX LAND-OWNERS COALITION

**The Chair:** Our next delegation is the landowners coalition from North Ajax. Perhaps you could identify yourself and the group you're speaking for. Once you've done that, you will have 15 minutes. Should you leave any time at the end, we'll be able to ask you questions about your presentation. I'll give you a one-minute warning if you get close to the end.

**Ms. Lidia Kuleshnyk:** Good afternoon. I'd like to thank the committee for providing myself and the landowners of North Ajax the opportunity to present today. My name is Lidia Kuleshnyk. I have a background as an environmental policy consultant, and I'm here today representing farmers, my parents and landowners in North Ajax whose lands are affected by the greenbelt plan and the Greenbelt Act.

But I'm also here today as a citizen, as a human being, as a humane being, who has dedicated my life to helping protect the environment and the health of others. Each one of you on this committee understands this dedication, for you too are representatives of the people. We are here today as fellow humanitarians, all wanting to protect the environment and human welfare, and wanting to do the right thing. So we must seriously consider the content and the consequences of the Greenbelt Act and the greenbelt plan.

1440

I have submitted to the committee a document outlining the key issues and recommendations from the North Ajax Land-Owners Coalition highlighting clauses in the Greenbelt Act pertaining to these issues. I will very briefly highlight these issues and review some of the key recommendations. The summary of these is in the back of the document.

First, let us identify the north Ajax region. The north Ajax region is in Durham region and can be generally defined as lands north of Taunton Road, west of Lakeridge Road, south of the Fifth Concession and in a defined area east of Brock Road. You can refer to the maps attached at the back of the document.

The number one key issue in north Ajax is the designation of lands as green space and the related boundaries. Under the greenbelt plan, there is an ambiguous and unjustified allocation of land designated as proposed

greenbelt and associated boundaries in the north Ajax region. There is an evident lack of clear and up-to-date scientific studies and evidence to support the designation of lands and boundaries within and surrounding the proposed greenbelt region in north Ajax. Specifically, why and how have the borders of the greenbelt plan been drawn in the north Ajax region, especially in areas where clearly one common parcel of land has been designated as two different zones pertaining to the greenbelt?

There are a number of farms, including my parents' farm, that are divided by the greenbelt. We use a site-specific example—my parents' farm, 2133 Audley Road—as an example of the ecology and general geophysical landscape of the north Ajax region, an example of a farm partially in the greenbelt and partially out. Very briefly, 2133 Audley Road is a 58.5-acre parcel of land, predominantly flat fields with about 5% bush and a small creek area. This land is not vital and strong enough to support basic ecosystem cycles of regeneration and maturation of crops and a diversity of species. Clearly, this land and the lands defined in the north Ajax region will soon lie fallow due to both overall ecosystem decline and related lack of economic viability of these lands and small farms.

Recommendation number 1 concerning these designations: It is recommended that the lands in the north Ajax region, and site-specific case 2133 Audley Road, not be included in the greenbelt plan and therefore not be governed by the Greenbelt Act in any capacity. This is based on two reasons. First, as stated, there is a lack of clear and up-to-date scientific evidence justifying these lands as green space. Two, evidence from the natural geophysical landscape illustrates that these lands are in no way environmentally sensitive and are in no way critical to the ecosystem of the region. It is recommended that if the greenbelt plan and the Greenbelt Act wish to identify any lands for rezoning, complete, substantiated and accountable scientific studies be conducted relating to all of the lands and environment, including human welfare, in the north Ajax region.

Recommendations concerning consultation process and time frame:

It is recommended that the Greenbelt Act and the greenbelt plan create a well-defined, accountable and equitable public consultation process and mechanism.

It is recommended that the greenbelt plan be redesigned from its origin to incorporate sound science in its development. As such, it is recommended that the greenbelt plan and act require at least four to five years for full and complete study.

It is recommended that the 10-year limitation on the Greenbelt Act and the greenbelt plan of review be abolished and accordingly amended, in order to respect the dynamic nature of ecosystems and the policies that govern those ecosystems.

Recommendation 3, concerning basic democratic and civil rights and liberties:

It is recommended that if the government of Ontario is able to provide substantive and conclusive evidence for



preserving and/or restricting land within the proposed green space, and if it chooses to restrict or rezone such lands, then each landowner affected must be fully and equitably financially compensated for their land by the government at competitive market prices.

It is recommended that the government of Ontario treat all of its citizens fairly and equally and that it honour human rights and civil liberties. The proposal for allowing public access on private lands would redefine these lands as public space, thus claiming private citizens' land as public government property. The government must then buy that land from the landowners at competitive market prices.

Recommendation 5, concerning the fact that the Greenbelt Act and the greenbelt plan exist within a vacuum, an ecosystem vacuum and a policy vacuum:

It is recommended that the Greenbelt Act should be developed, assessed and implemented, along with other legislation affecting the greenbelt, as part of a well-researched and well-defined strategy and package for consultation and policy development.

It is recommended that the Greenbelt Act should not necessarily take precedence when in conflict with any other act.

It is recommended that the Greenbelt Act should not be self-regulating, particularly if it is truly designed to protect both the environment and human and economic and social welfare. In order to provide sound protection for both the environment and human welfare, it is recommended that the Greenbelt Act and the greenbelt plan allow for a regular, possibly annual, review of the designation of lands and boundaries within the greenbelt area, and that the Greenbelt Act and the greenbelt plan allow that the total area of land within the greenbelt be decreased or increased according to the science supporting ecosystem and human welfare protection and sustainability. From an ecological science and environmental policy perspective, it is impossible to sweep 1.8 million acres of diverse ecosystem with one static policy brush.

Recommendation 6, concerning definition of "environment": The Greenbelt Act and the greenbelt plan do not provide a clear definition of "environment." It is recommended that the Greenbelt Act adopt the definition of "environment" according to the Environmental Assessment Act, since it is a clear, fair, equitable definition that has a longstanding record of success in honouring and protecting the environment.

1450

Recommendation 7, concerning restrictions on buildings and structures: It is recommended that the Greenbelt Act and the greenbelt plan clearly allow for the upgrading, maintenance and creation of farm structures and dwellings, including the family home on the farm, that support farm activity and the family farm as a unit.

Recommendation 8, concerning the exemption of the greenbelt plan as an undertaking under the Environmental Assessment Act: It is recommended that the Greenbelt Act should define the greenbelt plan as an

undertaking. If the greenbelt plan is not an undertaking, then how is it defined? So it should be defined as an undertaking according to the Environmental Assessment Act. As such, the greenbelt plan should be subject to the Environmental Assessment Act, including environmental assessments as well as those aspects of the Environmental Assessment Act that coordinate with other areas of the Greenbelt Act.

Recommendation 9, concerning the lack of an appeals process: It is recommended that a well-defined, legitimate and unbiased appeals process and associated mechanisms be established in which all citizens have fair and equal rights and treatment.

In conclusion, I ask each member of this committee, who here can look your constituents in the eye and honestly say that the Greenbelt Act as it now stands is fair, sound, humane legislation? Let us work together to amend the Greenbelt Act for the good of all. Thank you.

**The Chair:** You've left 30 seconds for each party, beginning with the official opposition.

**Mr. Hudak:** Lidia, thank you very much for your presentation. I do appreciate all the work you did and for making specific recommendations for amendments.

To answer your question, I think anybody unbiased listening to this committee would come to the judgment that no, it's not fair. There are fundamental problems with the science and the boundaries, so no, it's not sound. Therefore, because it's not fair and not sound, no, it's not humane.

**Ms. Churley:** Well, with just 30 seconds—it's my understanding that the municipality of Ajax is requesting more lands to be included in the greenbelt. There's not time, I know, but I wanted to know what your thoughts were on that, given your presentation.

**Ms. Kuleshnyk:** The North Ajax Land-Owners Coalition and myself do not support increasing the green space within the north Ajax region, based on the details that I just discussed, as well as the details in the document I've submitted.

**Mrs. Van Bommel:** The bill is still, of course, subject to amendment and clause-by-clause review. But the intent of the bill I fully support.

I have one question for you, though. You recommend that we wait five years. So in that interim, what are we to do? Are we to continue the freeze of those lands or do we allow sprawl and development to take them away—

**Ms. Kuleshnyk:** My understanding is that legislation exists in terms of planning and environmental assessment that provides adequate and sound protection in terms of urban growth boundaries and environmental assessment of lands. In those five years, sound, legitimate studies can be done to determine exactly what would be the best lands to be put in the greenbelt. As I mentioned earlier, I am an environmentalist. I do support protecting environmentally sensitive land for legitimate reasons.

**The Chair:** Thank you. Sorry; we're running out of time today. Thank you very much for your delegation. We appreciate your being here today.



## UPPER GLEN FARMERS' ASSOCIATION

**The Chair:** Our next delegation is the Upper Glen Farmers' Association. Good afternoon, and welcome. Please identify yourself for Hansard, giving your name and the group you represent. You'll have 15 minutes. I will give you a warning as you get close to the end or if you exceed your time.

**Mr. Rick Stull:** Thank you, Madam Chair. I've heard that a few times in the last three days.

**The Chair:** Good. I just want to make sure everybody has the same opportunity.

**Mr. Stull:** Thank you. My name is Rick Stull. I represent the Upper Glen Farmers' Association. It's a pretty small association. It's myself and the Archdekin family. We reside in Halton Hills, specifically on the 8th Line just north of Wildwood Road and close to 22 Side Road, on lots 22 and 23; and the Archdekin family have lot 22 on 10 Side Road. I'm going to show you specifically where that is on the map. If you look at the handout I gave you, you're going to see the greenbelt map attached. Specifically, this would be our farm here, along with this section as well. These are the Archdekin lands down here. The Main Street of Glen Williams is here, and the main intersection of Glen Williams. The town centre, basically, is right there.

Let me talk about my family first of all. My family came up from the United States and was deeded property on the 8th Line, the farms north of here. The farms north of here are not on this map, but one of the farms is actually shown on here. We were deeded that after the American Revolution. We are Empire Loyalists. We're one of the oldest families in Halton, so don't call me a speculator.

A little bit about the demographics of my area: This is Highway 7 right here. It takes you into Georgetown and up to Acton. For some specifics on these demographics, we are surrounded on three sides by residential development: an estate subdivision to the southeast of our property and strip development to the south and southeast of our property and to the west of our lands as well.

Here are some actual demographics of our area. From Highway 7 to 22 Side Road—that's right here, from here to here, just under a mile—there are 39 homes in that one-mile stretch. From 22 Side Road down to Wildwood Road—that is past my property; I want you to keep in mind that there has not been a severance south of our farm—there are 44 homes. We have a residential subdivision that backs on to our lands, this estate development here. These are expensive homes in the neighbourhood of \$1 million. This is the high-end area of Georgetown—52 homes. This area right here, which also backs on to our property—I hope you can see that all right—has been approved for another estate subdivision. In other words, there are going to be 13 more homes put on that land. Now that may change. Right now, it's before regional council, the region. The municipality has approved the subdivision, and actually the new official plan of the glen. It's before regional council.

1500

It doesn't make sense for 13 homes to be put out in the middle of nowhere, and the region has asked for all these properties now to be put on sewer. In fact, those 13 homes may change in quantity, probably upwards, because of the cost of bringing in servicing. The region doesn't want any more development on septic. Everything I've shown you there is septic systems, so a lot of septic systems in a small area.

Anyone who travels the area at all knows that Highway 7, 22 Side Road, 8th Line, Wildwood Road corridor is the bypass to Brampton. In other words, commuters from Guelph, Acton and so on, those outlying areas, use that to go around Georgetown, which is darn slow to get through. I don't blame them. I'd use it myself.

But the fact is, we farm there. We have a purebred Angus herd. We are legitimate farmers. I went to ag school. We show cattle all over southern Ontario at fairs. You'll actually see us downtown at the Royal sometimes. It's not easy farming there. In the mornings, the traffic is utterly impossible; in the evenings, it's the same.

The residential subdivision to my southeast has changed the landscape. They've changed the grades. What's happened is that they've blocked off all the water. In your handout, you'll see the ponding that's happened on our property. They've taken down our line fences and put up their own, put up their own gates. They're dumping their garbage on my property. They're using my property for storage. I'm not here to complain about this. It's just a fact that with urban people beside farmers, you're going to have this, OK? The municipality can't do anything about it. I can charge one fellow—you might see him in one picture there, a fellow I actually caught with my camera. I can have him charged. What would be the point?

**Mr. Duguid:** On the right?

**Mr. Stull:** Yeah, you got him. He's going through his nice wrought iron fence back on to his million-dollar property, storing his stuff on my land, which now, because of the greenbelt, is worth about as much as his half-acre piece of property. Don't call me a speculator, but don't tell me you haven't hurt my property value, because you have.

I've heard a lot of good representations in this whole four days of discussions from valid farmers. You heard from the Moore family, who were before us in the line. I consider the Moores friends and neighbours. The Moores live six or seven miles from me, but they're my neighbours, because you know what? There's no farming left here. The farming north of me, the lands that my ancestors farmed, it's tillable land. In other words, it's flat, arable land. It's good land. It is the buffer for the Niagara Escarpment. When I say "buffer," this is something that hasn't been addressed here.

Everyone talks about the Niagara Escarpment as if it's—you know, when you hit the edge of that boundary of the Niagara Escarpment, there's a sheer cliff there. Well, that's simply not the case. There are four farms



before you hit the Niagara Escarpment and our property. We're not alone there. If you travel Halton, we're not the only people who have that. In other places in Halton, there are three spots where both the Niagara Escarpment and the greenbelt come tight to the sheer face. When I say that, it's within Carlos Delgado hitting a home run there. You know what I'm saying? That close. There seems to be an inconsistency there. In fact, I think you already have your greenbelt. In my area, you have your greenbelt.

Those farms aren't worth as much because they're on the Niagara Escarpment. That's just the fact. A farm sold just up the road from me without a house on it; he had a heck of time going through the Niagara Escarpment Commission to get a permit for his house. If it had been on my property, not being the Niagara Escarpment, it would have been worth more than double. So there's a huge difference from Niagara Escarpment land to non-Niagara Escarpment land. You have to realize that.

If folks put this greenbelt in—and I don't think it's about farming. I don't think it's about farming one little bit. I don't think you're concerned about farming. I think you're concerned about the urban people. I say that because I know the farmers around. I have friends I went to school with, farmers around Guelph and Kitchener-Waterloo. It's honestly some of the best farmland—right, Lou? Honest to God, it's some of the best farmland in Ontario.

I know Kitchener has its own problem with sewer—the Ontario planners brought that up—dumping raw sewage into the rivers because they're over capacity now. And you want to put more out there. You want to eat up that farmland that produces almost twice what we can produce in Halton. And you're telling us you're saving farming? You're helping us? You're making sure that Ontario has enough arable land to feed its population? Do you realize that from Highway 400 west produces 80% of our food? Does anyone realize that? Of that 80%, 0.5% of 1% is in Halton. We're talking about a speck.

Do you know what the biggest land use is in Halton? Greenhouses and specialty crop. You know what specialty crop is? What's specialty crop? Specialty crop is greenhouses and sod farms. The second-biggest use is horses and ponies. That's reality; that's the truth. What are you saving? You're saving it for the urban people, not helping any farmers. The farmers who came here spoke from the heart. They're the only ones left, they're the last line, and you're not helping them. You're hurting them. You're taking away their equity, you're taking away their property value. You're going to allow development throughout the greenbelt in the form of roads, gas lines and garbage dumps, and you're going to get the land at a reduced rate because it's in the greenbelt. I want you to comment on that later, all right? Explain it to me, convince me, because I am not convinced.

I hear Marilyn talk here and I haven't heard anything that helps the farmer. I understand the environmental concerns, Marilyn. I think everyone does.

**The Chair:** Mr. Stull, if you want anybody to comment, you've only got three minutes left.

**Mr. Stull:** Three minutes?

**The Chair:** Yes. You can either summarize or you can wait and hear from each member.

**Mr. Stull:** Jeez, I didn't think I could talk that long.

**The Chair:** You did.

**Mr. Stull:** I'm going to summarize, because you know what? I want to hear from you folks. I'll answer your questions. Go ahead.

**The Chair:** OK. The first question would be from Ms. Churley.

**Ms. Churley:** What were you just going to tell me? I'll give you that opportunity.

**Mr. Stull:** I see you chumming around with members of environmental groups. I don't see you chumming around with any farmers and getting their input, and that's bothersome to me. I've seen it for three days. I missed yesterday. I'm sure the same thing happened yesterday.

**Ms. Churley:** It's not so, but we don't have time to go into it. I talked to a lot of farmers yesterday.

**Mr. Stull:** Ask me a question, then, about farming and about farm equity and I'll answer it for you.

**Ms. Churley:** Actually, yesterday, as you know—you weren't there yesterday, I guess—there were a great many farmers. We did have quite a few exchanges and we heard a lot of the frustrations from farmers. I believe, with or without the greenbelt, you've got a whole bunch of problems. Now, you didn't touch on many of the ones that farmers touched on yesterday. You were more into some of your own personal issues with neighbours and various other things. But you know, we had good exchanges about the kinds of things we need to see the government bring forward in terms of special farm programs to keep farms viable. I think that's absolutely critical. It's not just about the greenbelt, it's about a whole bunch of other things—lack of programs, free trade, commodity prices, you name it—that need to be looked at and acted on, right?

1510

**Mr. Stull:** No problem there, ma'am. That's the first time I heard it come from you, but that's great. Thank you.

**The Chair:** From the government side?

**Mr. Lalonde:** What type of farm do you have?

**Mr. Stull:** We have purebred Angus cattle.

**Mr. Lalonde:** It's not a dairy farm, though?

**Mr. Stull:** No, not unless you can get one of them to stay still long enough to—

**Mr. Lalonde:** Do you intend to continue farming?

**Mr. Stull:** Yes.

**Mr. Lalonde:** You do? At the present time, if you wanted to increase the acreage, with no greenbelt plan in place before, you would be stuck with the land prices that have gone skyrocketing.

**Mr. Stull:** In my case, because I've got just to the north of me the NEC—I mean, that land is available at a price. If you want to talk about expanding a farm, I've got 164 acres there. I came from a pig farm originally. I checked into putting a pig barn up here. I know that



business. I know I can make money at it. You know what? There's not one spot on this 164 acres where I can put a pig barn. It's 400-metre setbacks. To put—

*Interjection.*

**Mr. Stull:** Let me finish. To put a 1,000-head pig barn up—that's what it is these days. It's factory farms. It's 500 pigs in and 500 pigs out. That's the way it works. There's not one spot. You tell me where to farm, Jean. Where am I supposed to increase?

**The Chair:** I'm sorry, we don't have time for the answer on that one.

From the official opposition?

**Mrs. Munro:** I just want to echo some messages and sentiments that have been expressed previously by members of our party in the sense that we understand the importance of agricultural viability and certainly look to the government to respond to the kinds of challenges that you and others have raised on the issue of viability.

The other one, that in a certain way you alluded to, is the issue of growth. The government has put out a discussion document on growth, but they haven't come forward with a plan. I think the issues that you describe, rightly so, in terms of your neighbours speak to the growing importance, the critical importance of providing some kind of plan for growth, because at the end of the day, frankly, we all want you there because we all get hungry. I think more people need to understand that it's not just green fields we're looking at; we're looking at our food supply.

**Mr. Stull:** Thank you, Marilyn—er, Julia. I'm thinking Marilyn. You know those Black Angus ads you all hear from Quiznos? That's American beef. So don't have any illusions here. The beef comes this way; it doesn't go the other way. They process that meat down in the States and it's coming here. Why can't our cattle be—that's a good point. Why can't we have our own products here?

**The Chair:** Thank you, Mr. Stull. Thank you very much for coming today. We appreciate it.

**Mr. Hudak:** Chair, if I could, I just want a point of clarification from the government side. Thank you, Rick. You did a fabulous job. It was a pleasure meeting your wife too in Caledon. I think the government has maintained the point that land values in the greenbelt are going to increase. M. Lalonde's questions to Mr. Stull—I think in effect his line of questioning was that he can expand his farm now because the greenbelt will keep the prices lower.

**Mr. Lalonde:** Yes.

**Mr. Hudak:** The answer is yes to my question. I appreciate that honesty. But what is it from the government: Will the land values increase or decrease? You've been talking out of both of your sides of your mouth on the issue.

**Mr. Lalonde:** Because not having a greenbelt plan, that's what the people were doing before. They were buying land, speculating, and now the farmer who wants to expand can't afford to buy that piece of land.

**The Chair:** Mr. Hudak, are you asking for an official report from staff on this so you have an ability to make

better amendments later on? Because I don't know that this is a place for debate. We have delegations waiting. If you could ask for research, we can provide that.

**Mr. Hudak:** I'd actually like clarification on the government's position. M. Lalonde just indicated that land values will go down in the greenbelt, but the minister has said that land values will go up in the greenbelt. I'd just like a clarification of what the official government position is on this, because it has suddenly become contradictory.

**The Chair:** I think we will provide that for you with research to append it—

*Interjection.*

**The Chair:** I don't know that we want the debate right now. We have too many delegations waiting and we are behind time.

**Mr. Duguid:** He's talking about the difference between rezoned developable lands and non-rezoned lands.

**The Chair:** We're not getting into that debate right now. If you want the information, we can get it. We will have that debate later on, but not now.

## REGIONAL MUNICIPALITY OF WATERLOO

**The Chair:** Our next delegation is the regional municipality of Waterloo. Could they please come forward? Good afternoon and welcome. You must have been in our green room.

**Mr. Ken Seiling:** They said they'd come for us but didn't.

**The Chair:** We have a special green room, if we get the overflow. Thank you for being here and being patient. Welcome. Good afternoon. Please identify the people who are going to be speaking this afternoon and the group you represent. When you begin, you will have 15 minutes. Should you use all of your time, there will be no opportunity for questions. If you get close to the end of your time, I will give you a one-minute warning.

**Mr. Seiling:** Thank you. I'm actually glad you were running behind because the 401 wasn't running very well and we were an hour behind getting here today.

I want to thank you for giving us the opportunity. My name is Ken Seiling. I'm the regional chair for the regional municipality of Waterloo. With me today is Mr. Larry Kotseff, who is our commissioner of planning, housing and community services, and Mr. Kevin Curtis, who's the manager of policy planning, both of whom have had a major role in the planning work at the region of Waterloo and, more particularly, the extensive work on growth management that has been underway in our region over the past three and a half years. I believe you have copies. I gave a copy of my comments that you already have in front of you, so I'll make sure I move along fairly quickly.

We welcome this opportunity to speak to the proposed legislation and the direction the government is pursuing to plan for our collective future.



It would be an understatement to say that the region of Waterloo is strongly supportive of the government's commitment to manage growth as reflected in the Greenbelt Act and the Places to Grow initiative. This is bold, forward-looking planning for this province and we commend the government for it and for the level of consultation that has and is occurring around it and other related initiatives.

Before commenting on the act, I'd first like to provide a bit of context. There are many parallels between what is happening today and the situation in this province in the 1960s. It was clear to the government at that time that Ontario, and particularly southern Ontario, was to face a surge in growth that would outstrip both the resources and the 1849 governmental framework that existed.

A variety of studies, such as Design for Development and the Toronto-Centred Plan, were prepared by the province to establish a framework for that growth. It was predicated on an urban form, anchored in transit systems capable of shaping and supporting the urban form. It has always been accepted that transit is one, if not the most important, key to a sustainable urban form.

The 1960s plan was also rooted in an understanding that both provincial and regional planning were key to making it work. To its credit, the government of the day began to reshape the municipal scene, creating regional structures, such as the region of Waterloo, which were capable of providing region-wide planning and regional services.

One of the first tasks assigned to the new regions was to develop a regional plan. In some of the new regions, opposition to the new governance led to a lack of resolve in creating new regional plans. This was especially true, I believe, in the greater Toronto area. In fact, after the strong initial start, provincial resolve seemed to fail, and it appeared that the province in essence abandoned the notion of planned, coordinated growth in the GTA for a period of almost 20 years. The results of this are clearly obvious and are why we are here today.

In our region, the early vision was taken on with great enthusiasm. The region of Waterloo was the first jurisdiction in the province to successfully develop and implement a regional plan. Approved in 1976, the regional official policies plan, the ROPP, was a visionary growth plan which included significant protection for agricultural and environmentally sensitive lands, an identified central transit corridor and other leading-edge planning approaches.

The original ROPP and its successors have provided clear direction to subsequent Waterloo regional and lower-tier governments up to and including today. Urban envelopes were established which went on to withstand the test of time. We have implemented extensive groundwater protection policies and consistently undertaken subwatershed planning. If there was a weakness, it was that transit was not a regional responsibility until the year 2000.

Two years ago, Waterloo region approved a new growth management plan, the regional growth manage-

ment strategy, or the RGMS, which basically built on the 1976 ROPP by establishing a hard countryside line, promoting urban intensification and infill as one of the primary growth areas, even stronger farmland and environmental land protection policies and promoting a central rapid transit corridor as one of the major planning tools in shaping our future urban form.

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Today, we are still working on implementing this plan, which will allow us to manage growth up to a population of approximately 700,000, or a 50% increase, in a sustainable manner.

As you can see, the strategic directions and initiatives contained in our RGMS and the ROPP clearly complement the province's Strong Communities-based planning reform agenda. Indeed, when the current provincial plans were introduced over the last few months, it was very encouraging to hear the province say that they had borrowed heavily from our work.

So it is in this context that I present a region of Waterloo response to the Greenbelt Act.

The region of Waterloo is strongly supportive of the draft greenbelt plan. As we have noted in previous submissions to the province—and therein we have created a submission with all our appendices in it—many of the greenbelt plan's policies, such as strong protection for prime agricultural areas, firm settlement area boundaries and the protection of water resources, are core principles of our own ROPP and RGMS and have always been and continue to be incorporated into our related programs.

Given this compatibility and to ensure that we are able to continue to successfully implement the RGMS, the region of Waterloo recommends that the greenbelt protection plan be extended to include environmentally sensitive and agricultural lands in the region of Waterloo and the greater Golden Horseshoe, or the "outer ring." It is a good plan for communities in the greater Toronto-Hamilton area and it would be an equally good plan for communities in the outer ring.

It is our position that Bill 135 would be considerably strengthened with its extension to the outer-ring communities. While provincial data demonstrates that there are sufficient lands within the currently identified greenbelt to accommodate projected growth to 2031, the expanded size of the greenbelt means that there will be a perception that development opportunities within the Golden Horseshoe are becoming increasingly constrained. Like I say, it's a perception.

We anticipate that this may lead to increased development pressures on Waterloo region and other outer-ring communities, including increased speculative land buying. This practice is already occurring, with large GTA development firms buying or optioning large tracts of agricultural lands in Brant and Simcoe counties for future suburban development.

The past experience of Waterloo region demonstrates that a strong and well-enforced official growth plan can provide a great degree of protection for such vulnerable lands.



I personally do not believe that farmers, developers and owners of lands in areas not approved for development have a right to make a case for development rights or values. The decision of the previous government to actually compensate developers for land not necessarily approved for development in the Oak Ridges moraine has, in my opinion, set a bad precedent.

The concept of zoning and official plans has long existed and needs to be reinforced. I can well remember, in the early days of the ROPP in our region, that a number of people who held lands bought speculatively or otherwise outside of the designated development areas came to council seeking exemptions in the hopes of getting around the regional plan. Regional council was firm in its refusal to allow this to happen, and this consistent resolve helped curtail speculative land-buying in the region.

Today, if you drive in some areas of Waterloo region, you can see urban development on one side of a road and active, locally owned farms on the other side. Speculative land-buying in these areas virtually ceased, and there is no local expectation that these lands have a value other than the farming or environmental uses that are currently being applied to them. The ROPP has survived and served our community well, and we are building on it with our growth management strategy.

Specifically, the region would like to see the greenbelt area extended to include the Galt, Paris and Waterloo moraines, as well as areas that are being considered for designation as environmentally sensitive landscapes, and there's a reference in the submission. These environmentally sensitive significant lands serve an important function in maintaining overall water balance and ecological health within the Grand River watershed, which supports approximately one million residents of Ontario. The moraines themselves are the source of about 75% of Waterloo region's water supply.

Accordingly, our view is that the moraines found in the region of Waterloo are provincially significant from a source water perspective and therefore should be accorded the same level of protection as provincially significant features in other parts of the Golden Horseshoe.

This would implement the region's growth management strategy vision of protection for key environmental areas, protection of the countryside for agricultural use and restrictions on urban expansion to the west of the current urban boundaries. In that it would be implemented by provincial statute, a greenbelt extension would entrench the outcome of our growth management strategy and thereby provide greater certainty as to its implementation.

The region of Waterloo believes that extending the Greenbelt Act in this way and packaging it with our recommended broader strategies will move us forward toward our common agenda of balancing environmental protection and growth needs.

If the province chooses not to extend the greenbelt at this time, we respectfully request that the province draft

parallel greenbelt legislation for the balance of the outer ring or find other alternative ways of providing the same level of protection for these sensitive areas.

The final area of focus I would like to touch upon relates to Waterloo region's ability to respond to increased rates of projected growth—the necessary nuts and bolts of managing such growth.

Our ability to successfully manage the rate and magnitude of anticipated future growth is dependent on a substantial financial commitment by the provincial and federal governments to provide support for required physical and social infrastructure. For Waterloo region, this includes ongoing financial support for critical infrastructure, including the development of a rapid transit system, facilities and technologies to implement the region's long-term water strategy and wastewater master plan, and new health and education facilities and services.

It is important that the province ensure that municipalities have adequate funding, as well as the appropriate financial and planning tools, to implement both the provincial and regional growth management plans.

As I stated at the outset, the region of Waterloo strongly supports the government of Ontario's efforts to build strong communities and protect the environment. The province and the region need to work collaboratively with other stakeholders to develop, implement and finance an extensive range of policies, regulations, facilities and services to achieve these goals.

The regional official policies plan and the regional growth management strategy are two strong expressions of how the region of Waterloo intends to help realize this common agenda together with the province.

More than 20 years ago, the ball was dropped when the province failed to carry through on the plans and reforms begun in the 1960s. If we fumble again, the price will be much higher. Within a few years, we will see urban sprawl, environmental degradation and extended gridlock. This province will not be a place we want for our children.

The region of Waterloo remains committed to comprehensive growth management and is willing to work with the province to move forward with legislation that meets our common agenda. Our ability to create a sustainable legacy for our children depends on it.

Thanks for your consideration.

**The Chair:** Thank you. You've given a minute a half to each group to ask questions, beginning with the government side.

**Mr. Duguid:** Thank you very much, Mr. Seiling, for joining us today. I want to thank you as well, because I know the minister and all members on the government side would want to thank you and express our appreciation for your great work on Bill 126. I know you and your region were very involved in our considerations during that time, so I thank you for your input, because it was instrumental as we moved forward.

The way we see this rolling out now is that we're looking to Places to Grow as being one of the vehicles



for working with you in terms of the growth in the Waterloo area. The provincial policy statement will also be critical. Certainly, we'll look forward in the future to further input. I know your thinking is probably the possibility of extending the greenbelt out that way. We're not closing the door to that possibility either. How do you see the provincial policy statement, for instance, helping you in terms of controlling your growth in that area?

**Mr. Seiling:** The provincial policy statements and the way they're going right now really reinforce the things we've already passed and are trying to do locally. We think that given the additional assistance of the province, that will give added strength.

I remember back when the regional plans were being created in the 1970s, when we were faced with some of these issues, having the weight of the province behind us at that time created greater public acceptance and made it much easier politically to carry off these things. They were essential, and these things that may have been fought out at the time are now considered to be generally accepted across the region. The farming community and everybody else accepts it.

**Mrs. Munro:** Thank you for coming today. I just want to ask you a question about the outer ring. Clearly, your submission is supporting the notion that the initiatives that would be begun under the greenbelt legislation you want to have included in the larger area. Are there communities within the outer ring, as you suggest, that are under the same kinds of pressures—besides Waterloo, where there may not be the same kind of commitment that you have to a regional plan? Are they under the pressures that the communities inside the greenbelt area are? The second part of my question is, what happens then to the edge of the outer ring, next outer ring?

**Mr. Seiling:** First of all, I think there are reasonable differences to which this will apply. Secondly, I would say—and it's really not my place to comment on other jurisdictions, but while the region of Waterloo has a long history of strong planning, I think there are other areas that weren't regionalized. I would say Simcoe county is a case where there are huge pressures up there, with a fractured government structure that isn't really as equipped as we are to deal with some of these issues. The government is going to have to deal with some of the areas that don't have the regional frameworks behind them. With a fractured system, there's no central coordination in that whole area to pull this off unless the government imposes one or changes the governance structure behind it. It's not my place to talk about that, but you asked me the question and I offer you my opinion.

1530

**Ms. Churley:** Thank you very much for your input today. I agree with you. I think it's great that you're here asking the government to include more lands. On your behalf, I would like to use my time to ask the government, given that the region is asking to have these

lands included in the greenbelt, why don't you just do that?

**The Chair:** You don't really expect an—

**Ms. Churley:** Yes, I do. I think it's a perfectly legitimate question. They're asking to be included and there are scientific reasons for having them included. Parliamentary assistant?

**The Chair:** OK, you're giving your time. Mrs. Van Bommel, you have the remaining time.

**Mrs. Van Bommel:** It's a little unusual. I wasn't sure if, in the protocol, I was allowed to respond. Essentially, the plan is a draft plan so all these kinds of submissions are being taken into consideration. We've had, as you well know, many applications from people who want inclusion. All of that is before us. It is still a draft plan.

**Mr. Seiling:** I should add that we have already designated our hard edges and our greenbelt areas. We just think that being put in the plan gives them one more level of security.

**The Chair:** We appreciate your input today. Thank you very much for coming.

**Mr. Seiling:** Thank you for the time.

#### KAGAN SHASTRI

**The Chair:** Our next delegation is Kagan Shastri, barristers and solicitors. Good afternoon and welcome. Please introduce yourself and the organization you speak for today. When the hubbub subsides, you will have 15 minutes.

**Mr. Ira Kagan:** Good afternoon, Madam Chair. My name is Ira Kagan and the list of people I am speaking on behalf of is part of my presentation, schedule A. It has been detailed according to their names and where their lands are. In essence, they are landowners in Ajax, Pickering and Markham.

For the record, I'd like to say that I'm a municipal lawyer with about 15 years experience. I have represented and continue to represent municipalities, conservation authorities, residents' groups, landowners and developers. So I work all sides of the question and I hope that gives me some objective perspective on the needs of all the groups.

I've organized my presentation into six recommendations, and there are tabs included to assist you in seeing where the land is.

My first recommendation is that the government not pass the Greenbelt Act until the growth plan and other provincial intensification initiatives are also passed, and I'd like to explain why that's very important.

This government has acknowledged that the greenbelt is only half the equation. The other half of the equation is how to accommodate the growth that's coming. You can ignore it if you want, but it's coming anyway. In fact, you shouldn't ignore it, you should embrace it, because it is what drives the Ontario economy and what drives the Canadian economy.

The greenbelt relies upon and is premised upon the fact that there will be sufficient land left to accommodate



the growth, but there has been no proof of this, and if you have proof, you haven't released it. I've gone to the province's Web site recently to see the six pages of justification. It's not enough. If I were to come forward with an application to impose a greenbelt or to allow growth, I'd be expected to do more than that.

The greenbelt plan is also dependent upon intensification rules being brought into place. These intensification rules will be changes to the provincial policy statement, the Planning Act and some new rules as well. All too often, when people try to intensify in existing urban areas, they are met with fierce opposition from existing residents or municipalities. Those rules need to be changed.

My fear here, and I think it's a real danger, is that the province will pass the Greenbelt Act and plan, get some political mileage out of that, because it will be looking very green, and then when it tries to bring forward the much tougher rules about how to accommodate growth in existing areas, it's going to get bogged down. It's going to be opposed by all residents' groups and many municipalities. Frankly, it may just get sent off to committee forever, and there may be another provincial election before that decision is made. Then we'd be left with the worst of all worlds: a permanent greenbelt and no means to accommodate the growth. That would be the worst for everybody.

Recommendation number 2: Amend the Greenbelt Act to allow rights of appeal and amendment and wait until the greenbelt plan is finalized before passing the act.

I know that the act is just enabling legislation, but you don't really know what effect the Greenbelt Act has on you until you see the plan and the policies, and there's no guarantee that the plan and the policies will be implemented on March 9. What I had understood was that the act would be passed first and the plan would come later. Well, how is anybody supposed to know exactly how the act is going to impact them unless they have the plan to compare it to at the same time? We know that the plan is just draft right now. You have to have them both at the same time.

You have transition rules in the act that say that if there's a matter that's already under application, it may have to comply with prescribed rules. Nobody knows what that means. First of all, it's "may," so you may have to and you may not have to. And you don't even know what the prescribed rules would be, because they're not prescribed yet. So you don't know whether you like the act or you don't like the act; it's too unclear. Put them together at the same time.

There are no rights of appeal and no ability for people to apply to amend errors in the act. Why? What is the government afraid of? If you've got it right, allow the testing. I don't understand the opposition to testing. If you've got the science behind it, allow it to be tested. Let other equally intelligent people test the science. Release all the documents you have, and if people think there's a mistake, allow us to make that case. One of the recommendations of the Greenbelt Task Force was to have an

appellant tribunal or a hearings officer, because they realize that if you don't have the ability to test the decision, you can't agree with the decision, you can't satisfy yourself that it's the right decision. In a democracy, it is very rare that decisions are made and the answer is, "Well, you can't test it, but trust us. We got it right, and we have the science." That's very rare, and it's not the way our system works.

The greenbelt has to be based on real science, not political science, not voodoo science. It has to be based on principles of good planning and on Smart Growth, Smart Growth principles like efficient use of existing infrastructure, cost-effective infrastructure expansion, locating new growth adjacent to existing urban areas, preventing leapfrog development, protecting valuable environmentally sensitive lands, and protecting long-term viable farmland by use of proven analysis such as LEAR. This was another recommendation of the Greenbelt Task Force. All of these principles I mentioned are the kinds of principles you have in an OMB hearing, in council decisions where there are debates, not in closed-room meetings where the final decision is made on the line with no ability to test. Again, if you're sure you've got it right, what you are afraid of in having appeals and having amendments tested?

I attended almost every public meeting on the greenbelt. Some of you people will have seen me there at every public meeting. I asked every single time, "If you've got all this science, please release it to us so we can test it." We never got any of that science in those meetings, and until recently, very little was posted on the government's Web site.

To illustrate some of the problems that I mentioned, I offer three examples; they're in the tabs. The first one is in Ajax. Could I ask you, please, to turn to the last page of tab 1? This really illustrates the issue better than anything else. These lands are north of Taunton Road, south of the 5th Concession, and between Salem Road and Audley Road. Almost every single inch of this land is either built upon right now or approved for development. Even the greenbelt plan wouldn't change that. You've got 68 existing houses on full municipal water. You've got a 900-person clubhouse and banquet hall on waters and sewers. You have another 27-lot subdivision approved on waters and sewers, and the rest is approved for golf courses, plus an existing school. Can you believe it? Half this land is proposed to be in the greenbelt. All these houses are proposed to be in the greenbelt. What possible sense does that make? This is what I'm saying: You haven't got it right, but you don't allow any testing.

Do you want to know what the effect of this is? The effect of this would be that these 68 houses that are on septic systems wouldn't be allowed to connect to the urban services that are right at their doorstep. The greenbelt would prevent that. So you're going to keep them on septic when a cleaner, more environmentally friendly and safer solution is right at their door, at no cost to the municipality or the province. That's what the greenbelt plan does. What's the rationale for that? First



of all, why would you put existing houses in the greenbelt—I can't understand that, because it's not reflective of what's on the ground—and then why would you prevent them from hooking up to services that are already there? You haven't got it right. You've got to allow the testing.

What you should do is have a series of principles in the act. Those are the principles that the hearing officer would apply. You set the policy; the hearing officer makes sure you've got it right.

Now I want to move over to Pickering, to show you how it affects lands in Pickering. These are the lands called the Duffins-Rouge agricultural preserve. This is at tab 2.

1540

The city undertook a two-year growth management study. This growth management study studied every aspect of the lands in Seaton and the agricultural preserve. There has been some suggestion, I understand, that because the funding for the study came from landowners in the preserve, somehow it's tainted. Absolutely not true. I don't know if you know this or not, but it is approved policy in official plans, official plans that the Ministry of Municipal Affairs approves—I've got it at the very end of tab 4—that to spare taxpayers the expense of urban expansions, the municipalities hire the consultants and the consultants are paid for by the applicants or the landowners. It's not done so the study can be bought. These consultants can't be bought. It's done so that the existing taxpayers don't have to pay the freight for something that they may not want or that may not go ahead. So to call these studies bought studies or bogus studies is really to do a complete disservice to the hard-working people who do the studies.

The government does not have a study that can equate to the study that Pickering did, and yet they basically ignore it. These lands are right next to existing urban lands. Seaton is leapfrogging. It leapfrogs over the lands that are right next to existing urban, and yet the province's plan is to develop Seaton instead. These lands enjoy \$100 million worth of public infrastructure, public money. That's all going to go to waste.

These lands are not environmentally sensitive lands. In fact, truth be told, the Seaton lands are more environmentally friendly. The reason they are more environmentally friendly and sensitive is because most of them haven't even been farmed. They're pristine, original forests and streams. Farming in large part changes the natural landscape, whereas Seaton hasn't been changed. These lands are not important agricultural lands. You can call them that if you want, but make no mistake, it won't become that way. These lands have been agricultural since the beginning, yet they're not viable. You, Ms. Van Bommel, asked the OFA for an opinion as to whether or not these lands were agriculturally viable. They wrote you and said no, and they gave reasons. Who better than the farmers to know whether they are viable or not? Again, just calling them agricultural and putting them in the greenbelt will not keep them that way. The very best

way to keep lands viable for farming is to protect and help the farmers, and they will do your job for you. Drawing a line on the map is not the answer.

My next example is in Markham. This is really the other side of the question, so if you could turn to tab 3, you'll see how I illustrate my point. You've got lands that are included in the greenbelt, and then you have lands that are not in the greenbelt, and the notion is that these lands that are outside the greenbelt are not urban yet, but they could one day become urban with the appropriate justification. These are the areas in buff that you say could accommodate future growth.

The difficulty, though, is that when you apply the greenbelt rules to these lands—because, make no mistake, greenbelt rules do apply to lands off the greenbelt in many circumstances—together with the existing rules, do you have land left that you can develop? The answer is, in large cases, no. You're giving false hope to this buff area. It's not going to be developed. What we had our consultants do was draw a map that shows the differing layers of existing approvals and existing policy on these lands to show the fragmented lands that would be left. You can't get roads into some of these lands. They are too small to develop; the crossings would kill you. They would be unaffordable or simply undevelopable.

This is another example of how I say you have to bring the growth plan and the greenbelt plan and the act together at the same time and allow for testing, because if you make a mistake, it's a long-term mistake.

My third recommendation is that the greenbelt plan should exempt all lands south of Highway 407 from the greenbelt. I can't, for the life of me, understand why anybody would include lands south of the 407 in the greenbelt. This is the most expensive, most important piece of public transportation infrastructure in recent memory. The amount of money spent building this road—unbelievable. It is a generator of the economy because it allows products to move. Why would you ever put land along this highway in the greenbelt? Nothing south of 407 should be in the greenbelt.

Recommendation 4: The Greenbelt Act should create a study area for all lands close to the proposed Pickering airport. Just like the Pearson airport became the single most dominant economic engine for Mississauga, Brampton and Etobicoke, so too does this airport have that potential for Durham region. It would be a huge mistake to greenbelt lands in the vicinity of the airport. Instead, you should make a special study area of it to determine how the province can get the best possible use out of these lands.

Recommendation 5: The Greenbelt Act should be amended to allow valid claims for expropriation and compensation. On October 20, Minister Gerretsen was in front of the estimates committee, and I have his questions and answers at tab 4. He was specifically asked what the government's position was on this issue, and he said that it was not his opinion that there was anybody being expropriated or that anyone's rights were being taken away. But he's on record, as I've highlighted for you, as



saying that if people believe they are being expropriated or that their rights are being taken away, they should have every right to go to court and every right to employ the Expropriations Act. Eight days later, he introduces into the Legislature Bill 135, and section 19 specifically takes away those rights—eight days later. What changed in those eight days?

**Recommendation 6:** The province must be bound by the Greenbelt Act. I can't understand why this act applies to all municipalities and all private individuals but does not apply to the province. I don't understand the rationale behind that. It's "Do as I say and not as I do," and that's not the way things run in Ontario.

Just in closing, I wasn't here for the presentation that Mr. Jim Robb made, but I understand that he took issue with who speaks for whom and who is funded by whom. I'm not sure, because I wasn't here, whether he disclosed where he got his funding from. I personally don't think it's important, but if this committee thinks it is, maybe they could ask him.

I also understand that there were some issues about land values in the preserve. I am intimately involved in that. I helped farmers purchase land. I know these land values. I would love to be able to submit to the province a brief on this.

**The Chair:** Mr. Kagan, you have one minute left.

**Mr. Kagan:** Thank you. Just let me conclude very quickly. I don't know if the province knows this, but the land values increased after the agricultural easements were put in place, in some cases threefold. So if anybody tells you that these agricultural easements artificially lower property value, they're lying. I have the proof: their transfers—they are registered on title—their appraisals done by the province.

Thank you very much for an opportunity to speak.

**The Chair:** Thank you very much for your delegation. We appreciate your being here.

#### HALTON FARMERS' COALITION

**The Chair:** Our next delegation is the Halton Farmers' Coalition. Good afternoon and welcome. Please identify yourself and the organization you are speaking for, and when you begin, you'll have 15 minutes. I will give you a warning when you get close to the end.

**Mr. Roger McMillan:** Thank you. My name is Roger McMillan. I'm here today representing the Halton Farmers' Coalition on behalf of Bill Allison, who, ironically, is presenting in London, Ontario, today at the Ontario Soybean Growers on farm viability.

Although there are many issues to resolve in Bill 135, the 15 minutes allowed me today precludes space, so I will focus on three recommendations. There is no doubt that we have here a Medusian dilemma.

(1) Halton Farmers recommends strongly that lands in the proposed greenbelt area below the Niagara Escarpment plan be considered for a special study that would undertake a rigorous and comprehensive planning process to determine the most appropriate greenbelt

boundaries and the best overall land use strategy for this unique area.

(2) We recommend that no agricultural land in these fragmented urban shadow areas be put in the protected countryside designation until there is an acceptable strategy for addressing the viability concerns of the agricultural community.

(3) We are asking the members of the committee on general government, in the interest of good government and out of respect for all the people of Ontario, to send Bill 135 back to the committee for needed and mandatory further study. We respectfully suggest that this legislation goes against the democratic process and establishes a very dangerous and onerous precedent that will impact tremendously on the economic engine of Ontario, as outlined in the Places to Grow document.

#### 1550

As farmers and citizens of Ontario, we are extremely frustrated and concerned about the methods, the basis and the motivation behind Bill 135. Farmers themselves are very competent stewards of green space, and have been for hundreds of years. Farmers are the original environmentalists. They understand how the land works and how hard it is to keep it working productively. Farmers are the ones who commit their lives through many generations to maintaining productive farms and countryside.

Many of the communities affected by this legislation will lose their ability to work in harmony with local government due to this proposed legislation. These municipalities continue to take the time to fully understand the issues and put their official plans to the test locally after comprehensive studies and input from all affected stakeholders.

We as farmers are concerned about good government, good planning and good legislation. We do not understand the necessity to rush to legislate, especially to legislate with no appeal. We respectfully suggest that this goes against, as I said, the democratic process and establishes a very dangerous and onerous precedent that will burden future generations.

The Niagara Escarpment took almost 12 years of consultation before any legislation was presented. The government has not taken the time necessary to fully explore the issues and consequences of this bill on the lives and values of the people of Ontario most affected—and I would suggest that's pretty much all of them—as well as on a block of land that is many times larger and infinitely more diverse than the Niagara Escarpment, with all due respect. This bill has been hastily devised as a one-size-fits-all approach to an issue that is extremely complex. We are respectfully asking this committee, in the interest of good government and out of respect for the people of Ontario, to send this bill back to committee.

The architects of this bill by their own admission have not considered the uniqueness of the various areas encompassed by its boundaries. Indeed they have not been able to demonstrate the science behind the boundaries. These boundaries are too arbitrary and definitely lack science in their construction.



For example, on map 74—that would be in quadrant 2 in your handout—I have taken a crayon to the official boundary map. It doesn't look much different than the other crayon marks on here. If you take a look at the big black line that bisects quadrant 2, which, if you remember your algebra, is the one in the northwest corner, the natural boundary looks to me very much like the CN railway track that bisects several farms. If you follow that all the way through—and it's not on this map but it actually drops down—there's a hydro right-of-way. So I don't understand where the science is here. You're cutting people's farms in half. Half their farm is considered non-greenbelt; half is greenbelt. I don't know how CN Rail feels about part of their land being greenbelted. If it is greenbelted, it would preclude the train from going through there, I would assume, because there are restricted line uses on that. I'm not the planner by any means.

It does demonstrate, by these examples and the many examples we've heard over the past few days, that this legislation may have been rushed. Many of these properties already have protection through the Niagara Escarpment Commission and the Halton Region Conservation Authority, as well as through municipal official plans. What is the logic of imposing yet again another layer of legislation? It will only result in a greater fragmentation of land. People will lose pride of ownership and they will be less motivated to keep it green. It is only human nature. Instead of a greenbelt, you will have encouraged a brown belt of land that has been left unproductive and fallow, and that will be a tragedy for future generations.

To be sure, this is a very difficult piece of legislation. It's a very difficult position for the government to be in. You have to put your own feelings and respective party feelings aside and determine if this legislation, moving forward, is good legislation or if it needs more work. It is our fervent hope that your wisdom, deep down in your heart, will determine that Bill 135 does indeed need more work.

Thank you for allowing me the opportunity.

**The Chair:** You've allowed two and a half minutes for each party to ask questions, beginning with the official opposition.

**Mrs. Munro:** Thank you very much for being here today and bringing your perspective. As I look at this map, obviously the drawing of the line certainly illustrates the kinds of things that people have indicated to us in the hearings. The question of science is one that has been given a lot of attention—frankly, the lack thereof. As I was looking at this, I was thinking about what the implications of this are for those landowners. It seems to me that it's not a very good future when you're looking at this without an appeal process. We have heard others, but in this particular case, I think it's a demonstration of potentially very dire results for those people who find themselves in this position. Is that true?

**Mr. McMillan:** I'm not sure I understood the question.

**Mrs. Munro:** The dire results of having one's land bisected this way. There is a lack of an appeal process.

**Mr. McMillan:** It makes no sense to bisect anybody's land and have half or a third of his land zoned one way and the other two thirds or half zoned another. That's stupid. I'm sorry, Madam Chair, but that just doesn't seem to make any sense to anybody. My seven-year-old grandson can figure that out—who, by the way, I hope to leave the farm to.

**The Chair:** You have another minute, if you want to use it.

**Mr. Hudak:** Thank you very much for an excellent presentation. As I think has been mentioned, the MacIsaac task force, the Greenbelt Task Force, recommended an appellate tribunal, I would suggest, for cases where you bring up questions of designation and boundaries. What would be a fair process for making sure it's transparent and that the issues you bring up can be addressed to your satisfaction?

**Mr. McMillan:** I think the fair process would be to recognize that there are issues in this legislation that are unfair, inequitable, unjust, morally inappropriate, and it is not fair. I know that "fairness" is a pretty stupid word to use these days, but it's not fair to encumber people, to rush to try to prove their own property rights to the government. I think it's backwards. The reverse should be true. The government should allow time for all the stakeholders, even if they have to speak to every farmer who is involved in the border.

**Ms. Churley:** Thank you very much for your presentation. There was a report released just a couple of days ago by Stats Canada about Canada. It said that Ontario was the worst in terms of valuable farmland being eaten up and developed and that something had to be done. Given your opinion about this particular piece of legislation, what in your opinion needs to be done? On the one hand, there are issues around private property and people's retirement funds disappearing and all that kind of stuff, but on the other hand, I heard time and time again yesterday from farmers, those for and against, that they want to preserve valuable farmland and that there is a real concern about the disappearance of that land. I know we just have a short time, but what would you suggest be done?

**Mr. McMillan:** There are a couple of things that can be done. First and foremost—and this isn't a provincial issue but it might be—is the respect for private property. That currently does not exist in this legislation. The second one is to establish local tribunals where representation can be made to a bipartisan—well, I guess municipalities aren't political; you would have known that today, but they—

**Ms. Churley:** You must be a comedian in your spare time.

1600

**Mr. McMillan:** Statistics are an important thing. I remember listening to Professor Stanaland on Ronald Reagan's trickle-down economics. He was a dean of economics at one of the universities in the States. He said



if you stand with one foot in a vat of liquid nitrogen and another foot in a burning ember fire, on average, you're going to be comfortable. That's the problem with statistics. You have to bear down on how this bill affects the individual rights of the people.

**Ms. Churley:** But when it comes to private property rights, how do you reconcile the fact that a lot of the land was being bought up by developers to develop on prime farmland? How do you reconcile that?

**Mr. McMillan:** It's a very difficult job, there's no question about it. By the same token, if they own the land, they have to go by the rules. The municipalities and cities have it within themselves and their official plans to adopt those rules and manage them. If you take a look at the boundary right now, it's strange how sometimes the boundary goes very smoothly. It follows natural contours—let's assume that the CN railway is a natural contour for the time being—and then it goes to the other side of it and all of a sudden the boundaries start taking these little steps. I'm sure that if you did—and we have done—the research on who owns that land, you'd be very surprised and it would be a very difficult political question to respond to.

**Mrs. Van Bommel:** Thank you for your presentation. This morning we had a farmer speak to us, a Ms. Moore, and in her presentation she said, "Over the last 10 years, most of the agricultural grants were not offered in our area, as we live in the GTA and the government did not want to invest in farmland that would soon be urban." Is that the case in Halton as well? Did you not get the advantage of having government support?

**Mr. McMillan:** No, I haven't, and I don't think many of my neighbours have either.

**Mrs. Van Bommel:** So in other words, you were not treated equally with other farmers in this province?

**Mr. McMillan:** I don't know the answer to that question, I'm sorry. I'm a new farmer. I bought my farm five years ago because I got tired of living in the city and I bought my own piece of green space. But I don't like people telling me what I can and can't do with it. That goes against my private rights, and I will fight to the death to make sure that doesn't happen.

**Mrs. Van Bommel:** I didn't get an opportunity to ask Mr. Stull that question, if that was his experience as well. When I hear that, what I get a sense of is that the farmers in this area have been set up to become reliant on selling their farms to a developer in order to cover the finance issues. I think that's a sad comment on what the government of that day did to the farmers in the GTA.

**Mr. McMillan:** I think you have to ask your own Minister of Agriculture if there's a solution to that, because I believe, in the last *Better Farming* magazine—and if I may quote him?

**Mrs. Van Bommel:** Yes, certainly. I just quoted another presenter.

**Mr. McMillan:** "We need to make sure that we work with agriculture to protect agricultural interests," says agriculture minister Steven Peters. "Top priorities on the

province's list of items to address are land severances, minimum distance separation and trespassing."

It actually doesn't speak to your question, I apologize for that. But in the article, he talks about making farms viable.

**Mrs. Van Bommel:** Absolutely, because it's not just a problem—as you said, a colleague of yours is speaking to the soybean growers on that very issue, because it's not just a provincial issue, it's a national issue. We have liability issues all across Canada for farmers. I just find it really sad that I as a farmer had the opportunity to take advantage of certain programs that you as a farmer in the GTA didn't. I don't think that is really a level playing field.

**Mr. McMillan:** Like I said, I'm new. Maybe I didn't know about it, but I'm going to look into it.

**The Chair:** Thank you, Mr. McMillan. We appreciate your coming out today. Thank you for your delegation.

#### KLEINBURG AND AREA RATEPAYERS ASSOCIATION

**The Chair:** The next group we will be hearing from is the Kleinburg and Area Ratepayers Association. Good afternoon and welcome.

**Mr. Ian Craig:** Good afternoon.

**The Chair:** If you could identify yourself and the group you are speaking for today; when you do begin, you'll have 15 minutes. Should you use all your time, there won't be an opportunity for us to ask questions, but I will give you a notification if you get close to the end.

**Mr. Craig:** My name is Ian Craig. I'm on the board of directors for the Kleinburg and Area Ratepayers Association, and I'll refer to them as KARA from now on. I'm also going to speak on behalf of—

**The Chair:** Mr. Craig, can I just get you to stop until the room clears. It's not fair for you to be trying to speak over the bustle of people coming and going.

**Mr. Craig:** I thought you were going to tell me I was too loud.

**The Chair:** OK, you've got the floor now. Go ahead.

**Mr. Craig:** Thank you. I'm also going to speak on behalf of the Pinewood Estates Ratepayers Association, located at the southeast corner of Boyd Park. I'm also going to speak on behalf of the Purpleville Ratepayers Association. Yes, there is such a thing, and they are located, not surprisingly, in Purpleville, which is at the intersection of Teston Road and Pine Valley Drive. You may see that on the crude map that I handed out to you.

Thank you for the opportunity to speak about Bill 135. KARA would like to applaud the Dalton McGuinty government for tackling this incredible task, a task that must be completed in order to maintain any real sense of green space in the GTA and the other areas identified in the greenbelt draft plan.

Permit me to give you some quick background information about Kleinburg and the city of Vaughan. Kleinburg was a rural village located just north of Woodbridge and south of Bolton. The main branch of the



Humber River flows past Kleinburg on the west, and the east branch of the Humber flows past Kleinburg on the east. In the last decade, Kleinburg has struggled with the transition from a village to a semi-urban area. The impact of urban sprawl in Kleinburg has been quite dramatic and very distressing to the long-time residents in particular. Perhaps the most alarming consequence of urban sprawl in the area and the area north of Kleinburg is the increase in traffic. Huge numbers of commuters cut through Kleinburg en route to Highway 400 south. We're also very concerned about the ongoing loss of farmland, wetlands, bush lots, open space and tableland in the immediate area.

Just east of Kleinburg, the city of Vaughan is moving ahead with urban village 1 and urban village 2. Now, quite frankly, I consider that a Vaughan oxymoron: "urban" and "village." In other words, with 115,000 people moving into these two villages, the City Above Toronto is actually building two more cities. The city of Vaughan has planned an extremely large employment zone, an industrial park, if you will, several kilometres west of Kleinburg. This will increase traffic, noise and pollution in the area.

These subdivisions are being built north of Kleinburg, and the land to the south is already built up tight to Kleinburg's southern limit. You can see what's happening: We're being surrounded. So now we're basically circling the wagons, so to speak, and asking you to protect the small amount of natural environment that is left.

The city of Vaughan has one very large and significant resource. It's not the new mall, Vaughan Mills, it's not Canada's Wonderland and it's not even the McMichael art collection; it's a 12-kilometre stretch of the East Humber River, valley land, essentially, running south from the King-Vaughan town line through Kleinburg to Woodbridge. The area south of Kleinburg is known as the William Granger Greenway. This greenway, I believe, is the last remaining stretch of the East Humber, mostly in public hands, managed by the TRCA, where you can still get a sense of the rich land that First Nations people lived on for centuries and the land that our first settlers encountered. Little wonder that the East Humber River, with its cold streams, pine forests and diversity of wildlife, is a vital part of the Humber River, a heritage river, I might add. Some of the species in the area are endangered. There's a very thorough inventory in the handout that the Friends of Boyd Park gave to you on Monday. A similar lengthy list of the species could be compiled as we move north in the East Humber River valley toward King City. I hope that you can find some time—and I'm sure you have a volume of material to go through—to take a second look at the particular handout, because it does mention the three areas that I'm going to talk about right now.

So this afternoon I would like you to consider adding three more pieces to the greenbelt map. I handed out a map, and the area that I've identified as area 1 is north of Teston Road and west of Highway 400. This area is just

south of the Oak Ridges moraine. South of that area, the land has been levelled, trees have been removed and row upon row of similar houses on small lots will be completed next year, adding to the traffic on Highway 400 and, to some extent, adding to Kleinburg's traffic woes. People will drive from this area west on Teston Road, which will be a two-lane road as you head into Kleinburg and head toward Highway 427 and points west.

#### 1610

The area that we would like you to put into the greenbelt is an area that drains into two major feeder streams for the East Humber River, namely Purpleville Creek and Cold Creek. These are recognized provincially for their importance in supporting the redbside dace, a small fish that is on the provincially threatened list. If we can't, by the way, protect those headwaters of the East Humber, then I wonder what we can protect. Somebody asked me if I'd ever seen a redbside dace, and the answer is, yes, I have, but I couldn't actually identify it. They move very quickly. They know they're endangered; they're very quick.

This land in area 1 has farms, although they're not farmed by the original farmers. They're held in many cases by speculators. There are bush lots and there are wetlands. At the present time, this land is not zoned for housing. However, we feel it's just a matter of time before the city of Vaughan rezones the area and we see another massive development. The headwaters of the East Humber River must be protected in order to maintain a healthy river system. We do not believe that the city of Vaughan needs this land now or in the next 20 years. Surely there have to be limits to growth.

I suppose there are three key questions regarding this large area. I'm just estimating, from looking at a topographical map, but I think we're dealing here with about 900 hectares or, if you'd like, 2,500 acres. Why is the area not in the greenbelt? Who owns or holds this land? If it's not part of an official plan, and I don't believe it is, then why can't it be an easy addition to the greenbelt?

The second piece of land is north of Teston Road and west of Kipling Avenue. It's number 2 on the map. This is an area of wetlands, farmland and bush lots. It's essentially the tableland for the East Humber River just north of Kleinburg. I believe that much of this 200-hectare or 500-acre parcel of property is owned by a Mr. Schickedanz, a well-known GTA developer. A hydro right-of-way runs through the property and so does a gas pipeline. Several years ago, there was a fairly large explosion of that gas pipeline right at the river. It levelled quite a large area.

Here again, Kleinburg does not need nor want to see another housing development. While I'm an avid golfer, we don't need another golf course. A housing development here would undoubtedly add to the traffic chaos in Kleinburg. Roads in the area are narrow and hilly. They're hazardous at the best of times without adding more traffic.

On the opposite side of the East Humber from area 2 is a subdivision and a golf course. This course, Copper



Creek, ignored the pleas from TRCA to stay out of environmentally significant areas. However, an OMB hearing allowed them to go ahead.

Tableland is necessary for wildlife that live in the area. Birds and animals do move back and forth from the valley to the adjacent tableland. In fact, foxes, raccoons and coyotes have been seen in downtown Kleinburg; a little shopping and then off into the valley. If you recall your high school biology, you'll know that the food chain can easily be disturbed if larger birds and animals lose their habitat. Failing to protect tableland is the first step to creating a wasteland. I think it took about 20 years for the Save the Rouge advocates to convince everyone that a river can only survive if the adjacent tablelands are left in a natural state. It's section 5.4.1 in the draft plan that talks about a 60-metre buffer. I think it's a little vague in several sections. There are parts of the East Humber River where much more than a 60-metre buffer will be required.

The science, as they say—and I know that you've been hearing this for the last few days—has been done in several cases. The TRCA has an amazing staff made up of qualified and dedicated people who have done the research. Take their work. Much of it can be found in these two documents. You may have seen these before. One of them is called *Legacy: A Strategy for a Healthy Humber*, and the other one is called *A Call to Action*. They were done in 1997. They're in the process of redoing them. I know that the TRCA can update you on any of the areas that we're talking about. Here, again, why was this area left out of the greenbelt plan?

The third piece of land that KARA would like to see in the greenbelt—and I know that you've heard about this several times during the past week—is Boyd Park. Just south of Boyd Park, the historic Carrying-Place Trail managed to split into two parts, and these trails essentially went around what is now Boyd Park to avoid wetlands and deep valleys and the dense undercover. Come for a walk in this special place and find out for yourself. In fact, I'd be glad to take you on a walk through the area. The park is Vaughan's answer to Rouge Park. It's our High Park. It's our Stanley Park.

When Dr. Boyd sold 255 acres of land to the Humber Valley Conservation Authority in the mid-1950s, he did so at a price far below market value. He sold the property with the understanding that it would be kept for people to enjoy and that the precious natural environment would be protected. Today there are only 155 acres of that park left. They've lost 100 acres.

Pierre Berton came to a barbecue in Boyd Park sponsored by the Friends of Boyd Park this past September. In fact, it was Pierre's last public, outside function. He said to the crowd, "Get mad as hell if developers are allowed to continue to peck away at this park." So I'm here this afternoon, on KARA's behalf, to ask you to put Boyd Park into the greenbelt.

The pine forest on the east side of Boyd Conservation Area is the heart of the East Humber River Valley. If this area is part of the greenbelt, it will see some of the

protection that it so desperately needs. There are many compelling reasons to add this to the greenbelt map.

There are, at this point, no explanations for leaving these three areas out.

I was here on Monday when you heard the presentations from the Friends of Boyd Park. It was clear that there was consensus around this table, from all parties, that the Boyd Conservation Area should be put into the greenbelt.

I used to say to my students who were struggling with exams and tests, "Do what's easy first of all. Get off to a positive start." Putting the areas that I have talked about this afternoon into the greenbelt is easy. The science has been done.

I urge you to look closely at this wonderful opportunity that both sides of the House have to work together for the people in York region and put these three areas into the greenbelt map. Thank you.

**The Chair:** Thank you, sir. It was easy to listen to you. We only have a minute left for each party to ask a question. I'm going to be beginning with Ms. Churley.

**Ms. Churley:** Only a minute. Thank you for your presentation. You ended by saying that you're not sure why these areas and Boyd Park have been left out. What reason have you been given? Your organization must have asked.

**Mr. Craig:** We certainly have asked. The answer for Boyd Park was that it was in an urban area and it was south of Rutherford Road, yet when I look at the map in your plan, I look over to the Rouge, and, boy, that's in an urban area.

**Ms. Churley:** It doesn't make any sense. Who's your MPP?

**Mr. Craig:** Greg Sorbara.

**Ms. Churley:** Have you spoken to him directly about why it has been left out?

**Mr. Craig:** I haven't, but people in the Friends of Boyd Park have. I do believe that he was rather evasive with his answer.

**Ms. Churley:** Thank you very much.

**The Chair:** Mr. Rinaldi, on the government side.

**Mr. Rinaldi:** Thanks very much, Mr. Craig, for coming down and sharing your concerns. I'll just make a statement that I've made before, and I'll make it again. I think one needs to understand that Bill 135 is enabling legislation for governments to establish greenbelt areas. The concerns you've brought forward are really about boundaries, and those boundaries are really in the draft stage at the present time. Obviously, the input that we're getting here at these hearings is certainly something that, as a government, we're going to consider. So I certainly appreciate your thoughts.

**Mr. Craig:** Thank you.

**The Chair:** Mr. Hudak, from the official opposition.  
1620

**Mr. Hudak:** Thank you, sir, for the presentation. I share the suspicions of my colleague Ms. Churley—and I assume that Mrs. Munro feels the same way—that something funny is going on in Vaughan–King–Aurora. There



seems to be a lot of good evidence to include these areas in the greenbelt plan, but they've been excluded, and that's why we say a lot of political science has gone into this instead of environmental science.

**Chair:** I'd like to move a motion that Boyd Conservation Area be included in the greenbelt plan, that the committee recommends to the minister that Boyd Conservation Area be included in the greenbelt plan.

**The Chair:** Can you put it in writing, please?

**Mr. Hudak:** You bet.

**The Chair:** Thank you, Mr. Craig, for your delegation. I appreciate your being here today.

**Mr. Craig:** Thank you.

**Mrs. Van Bommel:** On a point of order, Madam Chair: This impacts on the draft plan; it doesn't really impact on the bill that we are discussing in this committee.

**Mr. Hudak:** Why not vote against it? I mean, if you don't support—well, we've heard from groups over and over again. Simply vote against the motion. I think it's a test to see if the members will put their money where their mouth is, so to speak, and we're prepared to support this motion.

**The Chair:** So I'm opening debate on the motion. Would there be anybody else who would like to speak on the motion while we get a copy of it so that you can see what you're voting on?

**Ms. Churley:** Well, I have to confess, I put him up to that, because I had thought of doing it, and my time ran out. I'm concerned about a lot of areas that have been left out, but this one has been really bugging me, because when you look at the map and whose riding it is, and because we cannot get any straight answers—and talk about scientific evidence on this one.

I believe anybody who agrees or disagrees with the science would say that the scientific evidence is there that this should be included. So I certainly will be seconding the resolution and ask that all people support it so we can come out of this today united in preserving this very important natural feature.

**Mrs. Van Bommel:** First of all, as I said earlier, this is part of the draft plan, and all these kinds of things, such as the Boyd Park, are under consideration as part of that particular thing. So, therefore, I would like the Chair to rule on whether this particular motion is out of order, because it does not relate to the act, the enabling legislation that we are discussing here.

**The Chair:** Having not gotten the motion in my hand, I can't really rule it out of order. So I think what is happening is a request for us to consider putting this in the plan, having not seen the motion. Have I got that right, Mr. Hudak?

**Mr. Hudak:** Well, Chair, just to be clear, I'm simply requesting, through our motion, that the committee request that the minister include Boyd conservation park in the greenbelt plan. It's a simple motion, and I've not heard any arguments to the contrary. If the government members are prepared to make arguments to the contrary, I'd enjoy hearing them for the sake of debate, but I do

regret that they're trying to hide behind procedural challenges. Just answer the question.

**The Chair:** So your wording will say, "The committee request the minister consider"?

**Mr. Hudak:** I don't know if it has "consider."

**The Clerk of the Committee (Ms. Tonia Grannum):** "Ask the minister to include...."

**The Chair:** "The committee request the minister include Boyd Park"?

**Mr. Hudak:** Boyd Conservation Area.

**The Chair:** All right. I don't believe that is out of order. I'm going to rule that it isn't out of order. Mrs. Van Bommel, did you want to finish your thought on that one?

**Mrs. Van Bommel:** Well, then, at this point, if we're going to debate this thing, personally, I have real concerns about the committee as a body giving preferential treatment to anyone, because we have heard so many different situations where people have asked us to deal with specific properties, parks and such. We've heard this all through the last four days. To start giving preferential treatment to one, I have difficulty with.

I think I want to look at all of them very closely and decide on the merits of doing—and as a committee, like I said, this is really an issue of the draft plan. If we were to do that, we would have to look at the entire thing, and I don't think that that's the role of this committee at this point. The committee is here to look at the enabling legislation, Bill 135.

**Mrs. Munro:** I think the important thing here is that the committee has the power to move a motion. That's what we're asking for. I think, too, given that we have heard about this particular piece of land through more than one submission—and it is publicly owned land; I think that's an important point to make—that others have come forward, as the parliamentary assistant has referred to, various other questions of what should be in or what should be out.

In this particular case, we're looking at a block of publicly owned land. The presentations that we have been given clearly demonstrate this as an anomaly. I think we do have the power to consider this motion.

**Mr. Rinaldi:** Just a comment: If we deal with Boyd Park in isolation, I really feel somewhat that—when we talk about Mrs. Munro's argument that we've heard about this particular property more than once, a couple of times, she's quite right. But I can tell you, I've heard a lot more about farmlands in the last three days.

*Interjection.*

**Mr. Rinaldi:** I do have the floor, I believe.

I think we've heard in just the last couple of presentations that private property rights should be treated the same as public lands. How can we make a decision today and exclude all those other submissions? I'm not prepared to vote in favour of this motion, Madam Chair.

**Mrs. Munro:** On a point of order, Madam Chair: I made it very clear that I was considering this motion on the basis that it was public land, because I'm very



conscious of what is private property. I just wanted to clarify that distinction for you.

**Mr. Duguid:** I'm just going to move that we have this particular motion dealt with when we review clause-by-clause. I think it's clear that government members are very interested in this particular issue. We've listened very carefully to the deputants. They've made some very valid points. We're actively considering this particular proposal now, and we want some time to consider it before we do a knee-jerk reaction and approve or recommend something. We want to make sure we've done all our homework before we do that.

**The Chair:** I appreciate your advice, but this motion is on the floor and I'm going to deal with it now.

**Ms. Churley:** We certainly don't want to prolong this debate too long, out of respect for our deputants who are patiently waiting to speak to us.

The argument the Liberal members are making is that a lot of groups have been coming before us to take things out. This is one case where we've heard from day one that it should never have been left out. It's non-controversial. I don't think anybody has come forward saying they think it should be left out. There's all kinds of scientific backup for why it should be in. I think we could just deal with this one swiftly, and then it's in.

**Mr. Hudak:** As I said, I don't want to belabour the point. I'm prepared to end debate and call the question shortly. But I think we have heard, as my colleagues have said, every speaker that's come before us, and a large number have spoken about Boyd Conservation Area. It is public land.

The only person who may be objecting from behind the scenes is the finance minister. Maybe he's pulling some strings and asking that this vote not take place. It leads me to some suspicion, since it's his riding. You've got to wonder who is behind the scheme to keep Boyd Conservation Area out of the greenbelt.

My colleagues opposite—I think there could be a fair argument that this one has had extraordinary support compared to other areas. If there are other pieces of property that you'd like to debate, then we would certainly be open to that as well.

But it would also be a symbol. With respect, what we've heard from the government members, in a very general sense, is a non-stop defence of the plan and the science. You claim it's good science; we've heard lots of reasons to dispute that, and have considerable doubts about the science behind this plan. Nonetheless, the government members have defended the science, defended the plan and defended this greenbotch scheme. So I would just enjoy seeing a few of the government members send a signal to the minister that they're not happy with all the decisions that have been made, and to pick out at least this one as a symbol that this plan can be improved.

1630

**Mr. Duguid:** I'm going to ask for unanimous consent from the committee to deal with this particular motion at clause-by-clause. I ask for that for a number of reasons. I

think that's the appropriate place for it to be dealt with. We do want to hear from the rest of the deputants before we move forward to clause-by-clause. We want to make sure that we have ample opportunity to move similar motions when we're coming through clause-by-clause, if in fact we think they're appropriate.

On top of that, we know that prior to Christmas the Tory side seemed like they were totally in favour of this particular legislation. They seemed to have changed their minds over Christmas and I'd hate to think of what might happen if their change their minds again between now and clause-by-clause, so I want to give them time, while we get to clause-by-clause, to consider their position because they may well want to flip-flop on it again.

**The Chair:** Do we have unanimous consent?

**Mr. Hudak:** No.

**The Chair:** Ms. Churley, you have the floor next.

**Ms. Churley:** I would like to call the question.

**The Chair:** OK. I don't believe there is anybody else who is listed who asked to speak.

**Ms. Churley:** A recorded vote.

**The Chair:** A recorded vote has been requested.

Mr. Hudak, I've just changed one word in your motion. You said "ask" and then you said "request" afterwards. "That the committee ask the minister" or "That the committee request the minister"?

**Mr. Hudak:** Chair, whatever wording makes more sense to you: "ask" or "request."

**The Chair:** You used both, so I was trying to find the words you were happy—

**Mr. Hudak:** Then stick to the original.

**The Chair:** OK. The motion is: That the committee ask the minister to include Boyd Conservation Area in the greenbelt plan.

#### Ayes

Churley, Hudak, Munro.

#### Nays

Duguid, Lalonde, Rinaldi, Van Bommel.

**The Chair:** That motion is lost.

### ONTARIO PROPERTY AND ENVIRONMENTAL RIGHTS ALLIANCE

**The Chair:** Our next delegation is the Ontario Property and Environmental Rights Alliance. Welcome. Thank you for your patience. If you could identify who will be speaking today, when you do begin speaking you have 15 minutes. I will give you a warning when your time gets close to the end.

**Mr. Bob Fowler:** Good afternoon, ladies and gentlemen. My name is Bob Fowler. I am the unpaid secretary of the Ontario Property and Environmental Rights Alliance, or OPERA, in shorthand.



On behalf of our member organizations and individual supporters, I want to express sincere thanks for this opportunity to confirm the views of our coalition with respect to the proposed Golden Horseshoe greenbelt. Our submission today is divided between a condensed summary of the OPERA position relative to the greenbelt concept and an equally brief outline of specific recommendations addressed to the possibility of its legislative enactment. To save time and conceal my own lack of expertise as a public speaker, I'll read the first part, and one of our members, a professional agrologist, Dr. James White, will deliver the second part. It's hoped this arrangement will accommodate the 15 minutes allotted to us for this presentation with some residual time for questions and answers. We have, as requested, filed copies of our remarks today with your clerk for later review by all committee members.

OPERA is fundamentally opposed to the concept, principles and unilateral application of greenbelt legislation on the following grounds:

(1) Arbitrary transfer to state control of almost two million acres of land, almost all of it privately owned, represents a massive redistribution of wealth. Statutory devaluation of property by what amounts to a government lien will increase market value of lands adjacent to, but conveniently outside, the greenbelt at the expense of those inside it.

(2) Stripped of its ostensibly noble purpose and flowing rhetoric, we see the greenbelt proposal as yet another exercise in government expropriation of private property without compensation, a perception that is reinforced by the haste in which the whole enterprise is being introduced on the promise, but never the production, of impartially prepared and independently developed science to support it.

(3) Individual landowners targeted for greenbelting were not given prior notice. Queen's Park bureaucrats and their paid consultants instead provided invitation-only workshops and narrowly advertised public meetings. Few affected landowners were aware of, and fewer still attended, these contrived meetings, most of which were dominated by government-supported professional lobby groups.

(4) The proposal cites increased urban sprawl, loss of viable agricultural land, environmental degradation and future immigration/population densities as justification for legislated manipulation of private property rights, uses, title, collateral worth and market value. In fact, the proposed greenbelt is a remedy politically and cosmetically useful in treating the effects of these problems while clearly ignoring their entrenched causes.

(5) Like most land planning initiated by senior government, the greenbelt proposal assumes that citizen rights and natural justice are subordinate to the so-called public good and that relevant legislation need not include draconian regulations and plans designed to ensure its compliance. We suspect these critical details will, as usual, be introduced and quietly enacted months or years after public attention has eroded.

Now I will introduce Dr. White, who has specific recommendations along these lines. Thank you.

**Dr. James White:** Thank you. My first recommendation involves the concept of compensation. We recognize that the provincial government has cleverly written Bill 135 to differentiate between the taking of uses from the taking of possession, thus allowing it to claim that compensation is not appropriate. This legal sleight of hand ignores the moral imperative of fairness. While devaluing private property by statute may be legal, it is not right, ethical or justified.

We recommend, as have others, that a commission be established to monitor property values. But we suggest using 2003 as the base period, because it is my observation that land values of some farms in the greenbelt have already depreciated.

We also have a concern for those who need a compassionate compensation program, which would be established to immediately purchase lands of those individuals of retirement age who can no longer sell their properties at reasonable or recent prices because of the greenbelt designation. At the task force and at the plan review hearings we heard many cases of individuals and their children citing this as a major problem and people being left in a great state of limbo.

Many landowners, especially those in the Niagara Escarpment plan area, and I suspect the Oak Ridges moraine, don't know that their land is also in the greenbelt. No plan review or task force meetings were held north of Highway 9, despite written requests by one of our member organizations. We believe that all landowners in the greenbelt should be and deserve to be notified by the province within one month of passing of this bill.

**Implementation:** We believe the planning process has been too short. I lived through the finalization of the Niagara Escarpment plan, which required 12 years. Many iterations occurred and we had many improvements in that plan. We suggest a period of at least two years to allow all those impacted to be notified, informed and to provide real feedback based on discussion, not contrived meetings by invitation designed to create the illusion of consensus where none exists. We believe that all owners should have the opportunity to challenge the boundaries and whether they're in or out, and we've just heard a discussion of that issue.

1640

We want to see the regulations and final plan details, not just permissive legislation. Frankly, we're very afraid that many additional land use restrictions will be added and there will be no opportunity to comment on them or explain why they are counterproductive. We are aware that additional controls are already planned and being discussed by the Niagara Escarpment plan area, but we have not been apprised of their intent, application or impacts.

**The objectives:** The proposed greenbelt legislation will not protect agricultural land unless it protects farmers. It will not provide urbanites with large green



parks. This is one of the assumptions I keep reading in the Toronto press. We support the recommendations of the Ontario Federation of Agriculture regarding these issues. The greenbelt is not going to provide all the wonderful promised environmental benefits because almost all of the lands involved are privately owned and will still be privately owned after this bill is passed. Trespassers, frankly, will not be welcome.

The focus of the proposal: We believe the urban sprawl results from centralized industrial, commercial and housing activity. Loss of agricultural land is a product of substandard returns in the business of farming and the continuing expansion of the urban area. Environmental degradation is accelerated by too many people sharing the same space. If growing immigration and population densities are the problem, as is suggested in the introduction to this plan, then we have some recommendations for the government:

First, address the issue directly by encouraging decentralization of industrial, commercial and resulting residential activities to outside of the GTA.

Second, follow the lead of the Quebec government in taking control of immigration and requiring new arrivals to initially locate in less populated areas of Ontario.

Third, encourage industries to locate outside the GTA by providing them with tax incentives.

Fourth, support development intensification within the urban envelope by allowing developers increased densities and cleaning up a bunch of the brownfields.

Finally, stop trying to solve urban problems by loading regulations on rural areas, which did not create the problems. Solve the problems where they exist. Most municipalities have adequate official plans which are vastly superior to greenbelt legislation because they were developed by local people who understand their community needs. In any case, the Planning Act allows the provincial government to override policies they believe are inappropriate.

This completes the OPERA submission to the standing committee. We appreciate your kind and patient attention. If, at the end of the long day of committee deliberations, there are any questions concerning our remarks we will try to answer them now. Thank you.

**The Chair:** Thank you. You've left about a minute and a quarter for each party, beginning with Mr. Duguid.

**Mr. Duguid:** Thank you, Madam Chair.

I'm not sure if I'll be able to get a response to this question by the time I get through it. There are a number of points you raised in here I take some exception to. They insinuate that there's some kind of expropriation going on here. I'm not aware of any expropriation. In fact, there is no expropriation happening anywhere here. There's a mention of taking uses away from people. I have no evidence, and have seen no evidence, of any specific case anywhere in the greenbelt where somebody who has particular rights to uses now on their property will not still be entitled to those rights after the greenbelt.

There's a suggestion that for some reason some people weren't informed or didn't know about the greenbelt and

that the consultations were by invitation only and the workshops were narrowly advertised; (a) that's not accurate and (b) we had 4,600 people participate in those workshops and consultations. When the previous government was consulting on the Oak Ridges moraine and the Niagara Escarpment act, there were none. I find it interesting that these would be in here.

I guess my question to you is, when the Oak Ridges moraine act was being considered, did you make deputations there as well, with the same concerns?

**Mr. Fowler:** No, we did not.

**Mr. Duguid:** Thank you.

**Dr. White:** Our member associations are not located in the Oak Ridges moraine.

**The Chair:** The official opposition, Mr. Hudak.

**Mr. Hudak:** I guess the parliamentary assistant fancies himself a lawyer attacking the witnesses, rather than asking questions of substance to their presentations.

**Dr. White:** You've got it right.

**Mr. Hudak:** You agree with me, which is too bad, because initially, it seemed that the government members were at least listening to the presentations in the first couple of days, but are getting more pessimistic, as today we've heard—

**The Chair:** Can you ask your question of the deputants, please?

**Mr. Hudak:** The deputants think I'm right with my observation. Today we've heard them attack a number of groups, questioning why they're here, rather than commenting on the merits of their proposals.

On October 20, at the estimates committee, Mr. Gerretsen, the minister, replied to me with respect to expropriation: "If we are, then those rights should be compensated for, going through the normal process, if somebody's of that opinion. They can go through the courts and through whatever other methods are available under the Expropriations Act." But in the act, they remove access to the expropriations. That was only eight days later. Do you think the minister lied to me?

**Mr. Fowler:** Let's say he handled the truth with a certain amount of inattention. The fact is that this legislation does not provide any appeal process at all. Whether there's expropriation possible or not, there is no appeal. It seems to me that that means that there is no expropriation permitted, even as a discussion.

Speaking personally, I do not agree that this act does not expropriate use, collateral worth, and market value of private property. I hope some of the members of this committee someday will own rural property and go to a bank and try to borrow some money on a piece of property on which there's a government lien. I would think that they would not be very enthusiastically received.

**The Chair:** Ms. Churley, would you like the remaining time? You have just over a minute.

**Ms. Churley:** Thank you very much for your submission. I don't have any questions.

**The Chair:** Thank you very much, gentlemen. We appreciate your coming out.



## MERRYBROOK FARM

**The Chair:** Our next deputant is Merrybrook Farm. Could you introduce yourself for Hansard, and the group that you're representing. When you do begin, you will have 15 minutes, and I will try and give you a warning, should you get close to the end.

**Mr. Bob Merry:** Good afternoon. I'd like to introduce my wife, Mary. I am Bob Merry and I own 250 acres in south Halton Hills, lots 6 and 7, concession 4. I am a pork, beef and crop farmer. For the past 37 years, I have been dependent upon my farming income, with no other source of income. I have lived on Merrybrook Farm for 50 years. I am not a speculator. I believe that you will agree that farm income in the products that I produce has not been excessive. In fact, I often refer to it as cheap food policy, one that our governments support, but now I feel that your greenbelt legislation will also mean that the consumer is going to get free land too.

I have been active on many farm committees, such as Ontario Pork, the cattlemen's association, the OFA, the Farm Safety Association, Ontario Soil and Crop, and the Halton agricultural advisory board, to name a few. I have attended numerous meetings over the years with Halton region planners, and I've always seen lots of green space allowed in the official plan. I am not against green space being designated into long-term plans for the province. I've protected my farm as a green space for all my years of farming. I've spoken out against urban development into our agricultural lands. I even went to the OMB myself to argue against an estate subdivision over the fence from my farm, but it fell on deaf ears. Farmers have never been listened to, and the houses and industries are all around me now. You're closing the gate after the cows are out.

1650

There are 13 acres of land only two kilometres away from my farm that have just sold for \$500,000 an acre. Do you really think that greenbelting land so close to development will not affect the value of my land? Who will be interested in buying a farm like mine? It takes money to keep our lands and buildings maintained, and we're not making it in farming. A recent quote I just received for painting my barns and sheds was over \$20,000. They'll rot before I could ever justify that kind of expense. Maintaining these beautiful country properties and homes costs a lot of money in the GTA. Prices seem to double down there where we are compared to other rural areas in the province. Hobby farmers may eventually purchase a property like mine, but they haven't given us any evidence in the past that they will continue to produce the quantity of food that is needed to feed Ontario. They typically set up horse farms, but these farms don't feed people. If they do try to crop the land, I suspect you will find that a good businessman doesn't keep putting good money after bad. Then we will be left with a wasteland of neglected farmland.

There are inequities in farm income in Ontario, as I'm sure you are aware. The chicken and dairy producers

have their quotas, closed borders and cost-of-production formulas. They are on a different playing field from the rest of us, who contend with free trade and world prices. I have no problem with what I chose to produce, but I continued with a lower farm income, always thinking that I had valuable equity in my land. I believe you are negatively affecting my family's future with the devaluation caused by the greenbelt designation. Another thought: It is often seen that a farmer who sells his land for development just moves over to another "real" farming community to set up again. It takes millions of dollars to do that. Don't keep me tied to property that has lost its farming future in the community.

Merrybrook Farm is two minutes up the road from the Toronto Auto Auction, an enormous business that frequently moves thousands of cars a day on our road. Traffic is unusually heavy in our farming area. Cars use our road to bypass the local highways, heading to Highway 401. When the 401 is closed for an accident, which happens weekly now, the traffic is re-routed right past our farm. That's approximately 2,000 cars an hour. We can't safely operate our machinery on the roads during the daily morning and evening rush hours. When we're travelling on 5 Side Road with loads of hay, transport trucks pass me halfway up the hill. We can't farm in this.

There are more than 25 non-farm residences that have been allowed to be built around my farm. The folks in the \$800,000 home immediately south of my farm have very sensitive noses. Someone phoned me once and said—they were nice about it—"Could you please make sure you don't spread this weekend? I'm trying to sell my house." We can't farm there. The MDS formula would never allow us to build an updated barn five times the size of my present barn to house the number of animals I need to have a viable hog operation. Neighbours complain when I spread manure. They don't like me to spray my crops near their houses. No real farmer is going to buy my farm with these restrictions. Family farms are history. It's big business now.

We have no farming infrastructure in our community. Local farm suppliers are long gone due to lack of business. Local farm support and lobby groups are dying in numbers due to the lack of bona fide farmers.

It seems to me that the only delegation that will be negatively affected by the greenbelt is the farmers of Ontario. After hearing the minister in his speech on Monday about how everyone will benefit from this greenbelt, it was an interesting omission that farmers were not mentioned. The owners of the majority of land to be greenbelted weren't valued enough to be mentioned. As our Minister of Agriculture and Food seems to have been noticeably absent and not supportive through this process, it also indicates the lack of value that farmers have in the Liberal government. The people of Ontario already have the Oak Ridges moraine, the Niagara Escarpment, provincial parks, conservation areas and green spaces planned for in their regional official plans.

Farmland is plentiful enough to feed the province, thanks to continuing technology improvements and



scientific advances. We produce more food than we can eat now and take low prices because of it. Our sons are not continuing in that kind of farm business. They want to make the kind of money that urban businessmen make. That will mean large, industrial farms to do that, and I doubt if they will be environmentally friendly enough in a greenbelt space.

Many Ontarians will benefit from the preservation of this land. You have not involved us with the planning of this greenbelt protection, and we as farmers are disappointed and insulted to be so belittled. It is our land that you are giving to others to benefit from. To do so without compensation is even worse. We have done our environmental farm plans, we've planted trees, we've protected waterways, we've done nutrient management and many other programs over the years to preserve this land. We do value our land.

In closing, I want you to know that I have been a paid-up Liberal for many years, and I am very disappointed with how my party has handled this agricultural issue.

Statistics Canada released reports on January 19 that showed a 31% drop in cash farm income for Canadian farmers from 2002 to 2003. I doubt very much that the finances for 2004 will be any better. The main declines were in the beef and cash crop sectors, of course. Low grain prices, lower average yields and higher costs for fertilizer and fuel have us in a situation where it's impossible to pencil in a profit. BSE has been another major cost for myself and many farmers. It seems that your greenbelt plan is hitting us when we're already down. No wonder we're upset. We do not want to have the government regulate how our land can be marketed.

Thank you very much for listening.

**The Chair:** Thank you, Mr. Merry. We have a minute and a half for each party to ask you a question, beginning with the official opposition.

**Mr Hudak:** I know my colleague Ms. Munro has a question. I just want to say thanks very much, Bob. I think you've been here through the entire committee process. I appreciate how much you obviously care about this bill and getting it improved. Thank you for your presentation.

**Mrs. Munro:** I want to echo that sentiment. Also, I think you would agree with us that the government has failed to provide any kind of viable agricultural component to this particular bill. We are certainly pressing the government on that issue, because we think green space is a totally separate issue. What we're talking about here is people's livelihoods.

**Mr. Merry:** I agree. The viability is not good and hasn't been for a while. The US people are bringing their corn up here and selling it for less than we can because they're getting a subsidy down there. This is not right. It's got to be fixed, and our government is the one that has to do it. I see people nodding their heads. They know this is what's going on.

1700

**Ms. Churley:** Thank you very much for being so patient with us today. It's always good to hear from

farmers who are directly affected. There are a lot of questions I could ask you. I agree that it's a theme we've heard time and time again, that with or without the greenbelt there are a number of issues farmers have, that there is indeed a crisis.

You mention the family farm disappearing and the large industrial farms taking over. Can you talk a bit more about what's going on with that?

**Mr. Merry:** I was a pork producer until just recently, when my barn—I built my barn in 1976. It's tired now and I had to replace it, but that size isn't any longer. They probably would have let me build that size, but I didn't. I had to build a big one, and I cannot build a big barn on my property. Sorry, I missed the—

**Ms. Churley:** You're saying that the family farm is disappearing and all it's becoming the big industrial farms.

**Mr. Merry:** This is the reason. At that time, I could make up to \$40 to \$50 a hog that I shipped to market. That's a market hog. I had the mother, I raised the baby for six months, and I sent it off. I'd make up to \$50. That figure is down between \$10 and \$15 now, if you're lucky and don't have the US putting a countervail on us because they say we're dumping pork into the US. This is what's happening out there. So at \$10, I have to have a bigger barn and produce five times as many—

**Ms. Churley:** Thank you. I know we could go on for some time on this, but I appreciate your response.

**The Chair:** Thank you very much. Ms. Van Bommel, I believe, has a question.

**Mrs. Van Bommel:** I want to add my thanks as well. It was certainly a very moving presentation. You're saying—I'm just going to quote from your presentation—that the cows are already out of the gate. You're basically saying that in your case, in your situation, we're too late.

**Mr. Merry:** Yes, you're too late. You should have been with me 15 years ago when I was at the OMB trying to stop that estate development. Nobody would help me. I fought the region's lawyer. I fought the town of Milton's lawyer. No one wanted to help me. That's when this should have been done in our area, where I am. It could have been done there because there weren't a lot of houses there; there were a few, but not like there are now. It's too late.

**Mrs. Van Bommel:** You comment on the fact that the Ministry of Agriculture and Food hasn't been here. Actually, Mike Toombs, who is ADM—

**Mr. Merry:** Yes, I saw Mike here and I saw Mike at one of the—

**Mrs. Van Bommel:** Yes, and he was there yesterday as well. They have been attending these meetings.

I'm looking at all the things you're saying and I'm nodding my head in agreement. I know, I live just off the 402. Whenever there's an accident in my area, all the big transports and stuff come by. In the summertime, we get a lot of vacation traffic trying to get up to the lake. There are times when you just won't go out on the tractor because it's dangerous for yourself and the person who



comes flying up behind with no idea how slow you're really going. I certainly empathize with everything you're saying here. Thank you for your presentation.

**Mr. Merry:** Thank you very much for listening.

**The Chair:** Thank you very much for coming.

### ONTARIO FARMLAND TRUST

**The Chair:** Our next delegation is the Ontario Farmland Trust. Good afternoon and welcome. I'm just going to wait till the flurry settles so you have our full attention. Could everybody please take their seat so we can begin? We're in the home stretch of our hearings. Good afternoon, gentlemen. Please identify the individual who's going to be speaking today and what organization you represent. When you begin, you will have 15 minutes, and I will give you a reminder if you get close to the end.

**Dr. Stewart Hiltz:** I'm Stewart Hiltz. I'm chair of the Ontario Farmland Trust and I teach at the University of Guelph. Don Prince, with me, is one of the vice-chairs of the farmland trust.

We are a new charity in Ontario devoted to protecting farmland for farming. On behalf of the board of the farmland trust, I'd like to thank you for this opportunity to address the committee on the greenbelt. We'd like to address our comments specifically to the role of the greenbelt in protecting farmland.

First, we echo the comments of many that the farmland in southern Ontario is unique and worth protecting, including the farmland left around the GTA. Southern Ontario, though small compared to the rest of Canada, contains over half of Canada's class 1 land, and almost all of southern Ontario south of the shield is prime agricultural soil. In addition, but less widely recognized, is the fact that southern Ontario contains all of the best two climate zones for specialized agricultural production in Canada, better than anything else anywhere in the country. We have lost 50% of the farmland of the Golden Horseshoe in the last 50 years; we certainly don't want to continue at that pace.

Why should we protect this farmland? Many people have given reasons. We would highlight three: Agriculture is still the number two economic engine of the Ontario economy; farmland provides numerous environmental and social other benefits and attractive rural communities; we do not at the moment choose to be self-sufficient in food in Ontario, but the capacity to make that choice in the future, in our view, is an important one.

We know that many conservation groups have supported the greenbelt for environmental reasons, and we're also aware that a number of farm groups, particularly the OFA, have opposed the greenbelt until compensation is provided to farm landowners. We believe the choice is not nearly so simple. There is a middle road whereby a properly designed greenbelt can provide both environmental benefits and farmland protection, but only if several key points are recognized and acted upon.

It has been said that you can protect farmland by protecting the farmer or that you can start by protecting the farmland. In our view, you have to do both at the same time. We must design a greenbelt that supports the farmer while also protecting the farmland.

I've brought seven recommendations, to be specific and as concise as we can, but I would also like to address the recommendations of the agricultural advisory team, of which I know you're well aware. We support their views on the greenbelt in their entirety, and we recommend their specific report to you. Likewise, we agree with many groups who have emphasized not building new highways until parallel investment in better transit is provided and not allowing uses like gravel pits or landfill sites inside the greenbelt.

For our seven recommendations:

(1) If we expect farming to continue in the greenbelt, we have to control the problems of near-urban farming—you've just heard about them from a previous speaker—and support the opportunities for marketing local food production. There are many problems we could mention, but also some positive opportunities for farming near the urban edge. Every other farmland preservation program in North America that we have looked at has combined efforts to protect the farmland, as you propose in Bill 135, with programs to support farmers. So first, control the problems—trespass, traffic and so on—and second, support the investment they require to take advantage of new marketing opportunities for local food production, for the farmers who choose to stay and farm in the greenbelt. Not all will. The things we could do include community-supported agriculture, local farm markets, crops for the multicultural market of Toronto and so on. Those investments need support if they're going to happen in the way some people envision them happening in the greenbelt in the future.

Our fear is that without the right mix of support programs, there's a very real likelihood that over the space of one generation, most farmers in the greenbelt will eventually sell to non-farm residents, presumably on retiring, leaving the greenbelt as an enormous exclusive rural residential area and not protected farmland at all. To meet the purpose of your own legislation, we must not allow that to happen.

(2) Support young entrepreneurs wishing to enter farming in the near-urban region. This should be pretty simple. There are numerous programs like this all across the US associated with farmland preservation programs there, and I think it's something we could do that would be very positive here.

(3) Develop some of the new legal tools that will assist in farmland preservation, like agricultural easements. These could be easily adapted with a very minor change to the Ontario Heritage Act, which already allows easements for a variety of purposes but does not specify agriculture. Agriculture should have the same treatment as other land uses under those types of conservation easements held by conservation charities.

(4) Tax policies. There are numerous taxes we could talk about, but as examples: the provincial capital gains



tax on donations of land to conservation charities, the land transfer tax on purchases by conservation charities like the land trust that work in the greenbelt area, and the Assessment Act, which needs to be clarified to support things like agricultural easements and to support those value-added on-farm businesses that farmers are very concerned about.

1710

(5) In our view, there should be rules to enforce greater densities on the urban side of the greenbelt at the same time as the greenbelt itself is established farther away from the city. If you're looking at the science, one of the fundamental bits of science is the mapping of prime agricultural land. In fact, I teach in the department where that mapping was all originally done. There are areas of prime agricultural land immediately south of the greenbelt that have not been included and are not apparently needed for urban growth for decades yet. We think they should be in the greenbelt.

(6) This is probably a controversial one. We think there are creative ways to address environmental services and inequity in the land market within the greenbelt. Farmers have raised the central issue of compensation for lost development rights and cited the case of Pennsylvania. We understand clearly that the Canadian Constitution does not allow compensation for lost development rights in those terms directly, unlike the American, which is one of the problems of copying the American approach. However, we believe there are some creative solutions here that have not yet been considered.

First, we all need to admit that the farm community faces very bleak economic times. We don't think that urban consumers understand this enough. But whether it's BSE or the plunging grain prices at the moment, the farmers' plight is very serious. The incredibly distorting subsidies that the US and Europe pour into agriculture put our farmers in a very difficult position. The very least we can do is recognize this and have some sympathy with the broader issue of farm viability. But if we don't find some way to solve those issues, we will eventually lose the choice of local food production.

Secondly, we need to admit that, although compensation for lost development rights may not be legitimate, there is nevertheless a real question of equity. Prices are sky high outside the greenbelt and prices are going to be lower inside the greenbelt. There is an inequity that is created.

There are several creative, if partial, answers. The previously mentioned programs to support innovation in near-urban agriculture would be one. Programs to provide payments for environmental services, such as the agricultural advisory team recommended, would be another. We recommend further that the province consider a program for something like the transfer of development credits. There's a partial means of addressing the inequity in land values where the greenbelt would be a source, for example, of density points awarded according to a formula by the government. Urban development regions would be target areas where developers could

buy density points and use them to increase density. Such a program would operate on the open market, although government regulated, so it would go a long way to redress the balance of windfall profits on the urban side and lower land values on the greenbelt side. It would not violate the basic principle of crown control over land use, because the crown would assign the points. Systems similar to this have been used elsewhere in Canada, and we think by looking at some creative ideas like this, there is a middle road we can find.

My last recommendation is about leapfrogging. We've already seen leapfrogging, both in terms of new communities proposed and in terms of local councils like Guelph and Kitchener-Waterloo discussing the greater pressure they feel they will face for extra development. In our view, from the point of protecting farmland, the leapfrogging issue is the most serious. If Bill 135 leads to purchase of land outside the greenbelt on even better farmland in southwestern Ontario for urban development, then that is the worst possible result of a greenbelt. If the greenbelt contributes to greater urban growth and loss of farmland further south and west, then it is entirely counterproductive. Instead, a major effort should be made to redirect urban growth through strategic infrastructure investment to areas of lower land quality, lower climatic quality and away from the key farmlands of southwestern Ontario.

The Ontario Farmland Trust proposes that you make all of the rest of the productive agricultural land in southern Ontario outside the greenbelt into an agricultural land reserve, where land will be protected from urban development and preserved for food production as the primary use. At the same time, we propose that you put in place a task force to create a future food production plan for southern Ontario as part of this initiative. Such a step would combine the bold vision of a greenbelt for urban containment, on the one hand, with a vision for farming and food in the rest of southern Ontario and be a truly creative step forward. If the greenbelt provides a permanent urban boundary, farmers also require a permanent boundary around land that will be used for agriculture in the future. Thank you very much.

**The Chair:** Thank you, Dr. Hilts. You've given us about a month—a minute. A slip of the tongue. No, you can't have a month. You can have a minute. Ms. Churley, you are the first speaker.

**Ms. Churley:** I'll take my month. In fact, I probably could take a month. There are a lot of ideas in here. What should I focus on? I thank you for considering the plight of the farmers in all of this, because certainly over the last three days that's been an ongoing concern and issue. I've never heard of this middle ground before. It's something I'll have to take a look at.

I guess the question would be, for the taxpayers—when you start talking about particularly speculative compensation, it's just out of the question, although some have asked for that. How would this impact on the public purse? Do you have any idea from studies that have been done?



**Dr. Hilts:** I'm not an expert on transferring development densities, but I understand the farm viewpoint in asking for compensation. I think it's a very reasonable request, given the situation. I also understand the Canadian Constitution and how we manage land use in Ontario, so I understand why that's not appropriate. The transfer of development density or something like that enables a system to be put in place where a landowner who is not allowed to develop could have some financial benefit by selling their density rights. A developer elsewhere, presumably still controlled by the municipal planning system so it doesn't give developers a free hand, could get greater density by buying those density points. It would operate outside the taxpayers' pocket, except of course for a government agency regulating the process. So it is a creative way to look outside the box and try and recognize the legitimacy of both points of view, giving something to the farmers—but not \$50 million; something reasonable—and reinforcing greater densities on the urban side, without costing the taxpayer a heap of money.

**Ms. Churley:** Very interesting.

**The Chair:** From the government side, Ms. Van Bommel.

**Mrs. Van Bommel:** Thank you, Dr. Hilts and Mr. Prince. You've given us a lot to think about; there's an awful lot. I really appreciate that you've come forward with possible solutions. This gives us something to work with and to think about, and I certainly want to have a look at all these things.

You talk about taking the protection of farmland well beyond the greenbelt and the GTA. We just recently passed an amendment to the Planning Act which now requires municipalities to be consistent with the provincial policy statement, as opposed to having just regard for it. So that strengthens the ability of municipal councils to protect farmland. Would you say that we also need then, in turn, to strengthen the provincial policy statement?

**Dr. Hilts:** My view is that we do. I recognize the improvements in the Planning Act, which are quite positive in terms of protecting farmland. Municipalities in the intensely agricultural part of the province still vary quite a bit in terms of the rules within their official plans and developers are still proposing, for example, entirely new communities or enormous expansions of communities like the Brantford area, to cite just one, that can lead to changes in official plans.

If you look at the agricultural land reserve in British Columbia, although there have been some complaints of minor changes around the edge, the ALR in BC has lost something in the order of 1,000 or 2,000 acres of farmland a year, so there have been minor changes here and there over the last 10 years. We have lost in the same time hundreds of thousands of acres. There's no comparison at all. The province-wide fairness and the clarity about the dominant future land use being agriculture is the certainty that farmers need for a long-term investment. That's what we really need in the agricultural sector.

**The Chair:** The official opposition; Mr. Hudak.

**Mr. Hudak:** How much time, Chair?

**The Chair:** You have a minute, but some of the answers are going on—

**Mr. Hudak:** I'll be quick.

**The Chair:** You have a minute.

**Mr. Hudak:** I want to congratulate you gentlemen and the farmland trust for the creative thought that you've brought forward. I think one of the central conceits of the government's presentation is that they have to solve farm viability across Ontario as a whole. It's certainly an admirable goal, but every agricultural group that has come forward has made the suggestion that they should have a greenbelt-specific plan because those farms will be entirely different from farms outside the greenbelt. They will have certain rights taken away and they will be subject to certain elements in the plan restricting their operations. So there's an argument for a difference.

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I need to move a motion, Chair, as a commitment to my friend the parliamentary assistant, entitled the Brad Duguid motion:

That the committee supports an independent, transparent and public appellate tribunal with greenbelt-specific expertise to uphold the integrity of the plan.

**The Chair:** Do you have that written out?

**Mr. Hudak:** Yes.

**The Chair:** Do you have a question to our delegation, so I can let them go, should they wish to, while we debate this?

**Mr. Hudak:** Would you support an appellate tribunal, as in the motion I just moved? Will I get your vote for that?

**Dr. Hilts:** I would support some kind of tribunal or appeal board or advisory committee or something like that, as was originally recommended by the Greenbelt Task Force.

**Mr. Hudak:** Thank you. Hopefully their votes count, Chair.

**The Chair:** Thank you very much, gentlemen. We appreciate your being here. Thank you for your time.

We're going to get a copy of the motion for everybody before we start debating the motion. While we wait for a copy of the motion, Mr. Hudak has offered to describe the intent of the motion.

**Mr. Duguid:** Madam Chair, we're fine. Just read the motion out—

**The Chair:** I don't have it in my hand; it's gone to be copied.

**Mr. Duguid:** If he reads it, we'll be fine.

**The Chair:** He doesn't have a copy of it either; it has gone for copying. We're going to have to wait for a minute or two for it to come back.

**Mr. Duguid:** Perhaps we could have the next deputant begin and vote on it after the next deputant?

**The Chair:** Are you willing to vote on it after the next deputant? Everyone would then have a copy of it and it could be discussed after the next deputant.



**Mr. Hudak:** No, Chair. With due respect to the Grey Association for Democracy and Growth and Mr. Andrews, I do think it's important to have this discussion at this point in time.

**The Chair:** So we'll begin debate. Mr. Hudak, you have the floor.

**Mr. Hudak:** Thank you, Chair. We're winding down. We have two more presentations, but we've heard, from almost every group, support for some type of appellate tribunal or peer review process, whether municipal groups, agricultural groups, independent property owners, as well as environmental groups. If I recall, I think Environmental Defence and Ontario Nature as well mentioned the need for an appellate tribunal. Most important, their own task force, the MacIsaac Greenbelt Task Force, said in August 2004—on page 8 at the bottom, under "Administration and Implementation," it reads, "Provide for an appellate tribunal with greenbelt-specific expertise to uphold the integrity of the plan...." It's their own task force. What we haven't heard to date from the minister or from the government is whether they will embrace that decision or not, and then hopefully we'll get into some details of what that tribunal could rule upon.

I would ask the members opposite if they can give me the name of even a single group that has objected to this. I think the support is universal.

I'm not holding too many cards to my chest. I think folks know where I'm coming from—and my colleagues Mrs. Munro and Mr. Yakubski—on improving this legislation. This will give you an opportunity, when amendments come forward, to present one of your own in that vein or to support mine. Hopefully, there won't be arguments against it, because there has been universal support, as well as from your commission.

I named it after my colleague Mr. Duguid because he had those infamous words, "I don't give a damn whether it's based on science or political science." But almost everybody we asked does give a damn whether it's based on political science or science, and there has been universal support for science. That's why, in my opinion, an independent tribunal that's transparent and public would be the best way to address this.

My colleague keeps repeating what I think is not accurate about my alleged support for this bill in December. He was in the House when I asked over and over again of the minister to delay this legislation to get it right, and four or five times, quite frankly, the minister said no, that he wanted to ram it through by December 15 or December 16, 2004. I think it was only through the resistance of the opposition that we provoked these hearings in the new year and the extension. I'm grateful it happened, but I do recall the minister on four or five occasions objecting to my calls to get this legislation right and to send it to committee in the new year.

I mean, I could say my colleague got up on the table and did an Irish jig during the committee, and if I said it enough times, maybe somebody reading Hansard would think it was true, but it ain't. I'd ask the member to be clear on the record. We've had grave concerns from the

beginning about this legislation. We've illustrated grave concerns, supported by the vast majority of deputants, about fundamental questions of the science and the fairness of this plan. So I do ask them—now they're getting copies of my motion—to support what their own task force has called for and to support what has been the universal call of deputants before this committee: for an appellate tribunal with greenbelt-specific expertise to uphold the integrity of the plan.

**The Chair:** You were honest about that, about naming it after Mr. Duguid. I thought you were being flippant. You did. Mrs. Van Bommel?

**Mrs. Van Bommel:** I would just like to say that at this point I really do want to hear from the other deputants. They have been here all day.

Motions like this are normally under clause-by-clause. We would all get notice of them and have time to address them properly and do our research. I think this is more appropriately done through that proper process, as opposed to surprise motions that keep coming up. He calls it the Brad Duguid motion because of the issue around the science. I have at least some of the science with me here, so I will present that to Mr. Hudak, and you can start looking at that and give it due consideration until we get to clause-by-clause.

**The Chair:** Ms. Churley?

**Ms. Churley:** I'm sure we're all anxious to move on to our last two deputants. I thought, at first blush—I went out of the room, but I rushed in after I saw it on TV. Actually, now, after listening to Mr. Hudak, I can't support the motion, because he seems to be rolling a whole bunch of things into what sounded on the surface to be very similar to an amendment that the New Democrats will be proposing, one of many, basically a tribunal to oversee the implementation of the plan. Our motion is very different and I hope we could all support and debate it. But I will hold off until clause-by-clause, because it's quite long. Mr. Hudak, you've rolled a lot of things that I couldn't support into your motion.

**Mr. Hudak:** I did say it was mine.

**Ms. Churley:** I'm just telling you that on the surface, I thought it was similar to what we're proposing, but it isn't. Therefore, I think I will vote against this. This whole area of what we mean by a tribunal can become very complex. You and I mean different things by it. I can't support your interpretation of it.

**The Chair:** Mr. Hudak, you're the only speaker I have left.

**Mr. Hudak:** Thank you, Chair. To the parliamentary assistant, thank you for the science, which was requested on the first day of the committee, but at least we got it on the last. Are the LEAR studies part of this as well?

**Mrs. Van Bommel:** No. There's more to come. I just wanted you to get enough to start with. If you would like the LEAR studies—

**Mr. Hudak:** I would like to request the LEAR studies, because if I understand what you have on your Web site, the LEAR studies talk about evaluating every



piece of agricultural land in the greenbelt area based on its agricultural viability, as well as the—

**The Chair:** Mr. Hudak, please just speak to the motion.

**Mr. Hudak:** Sure. Hopefully, the LEAR studies will be in the box?

**Mrs. Van Bommel:** Yes.

**Mr. Hudak:** To the parliamentary assistant, I don't bring the legal language of a particular amendment, which is what clause-by-clause will do next Thursday. I am simply asking the committee to provide direction to the staff and to legislative counsel so they'll know what areas we're looking for by at least supporting this principle of "an independent, transparent and public appellate tribunal with greenbelt-specific expertise to uphold the integrity of the plan." I appreciate Ms. Churley's response. There are people who have different views about the degree of independence, transparency and its public nature. What I've heard from most groups is that they like the notion of it being arm's-length, independent from government, transparent and public.

I think supporting the Brad Duguid motion helps to send direction to ministry staff and legislative counsel that this is something the committee has heard and supports, which will save us time come clause-by-clause next Thursday.

**The Chair:** I have no more speakers. The motion is: "That the committee supports an independent, transparent and public appellate tribunal with greenbelt-specific expertise to uphold the integrity of the plan."

**Mr. Hudak:** Recorded vote.

**The Chair:** A recorded vote has been requested. All those in favour?

#### Ayes

Hudak, Munro.

#### Nays

Churley, Duguid, Lalonde, Rinaldi, Van Bommel.

**The Chair:** That vote is lost.

Our next delegation is the Grey Association for Democracy and Growth. Could you please come forward? Is anybody here from the association? Last call.

1730

#### ANDREWS' SCENIC ACRES AND SCOTCH BLOCK WINERY

**The Chair:** Our last speaker today will be Andrews' Scenic Acres and Scotch Block Winery. Good afternoon. I apologize for the delay. Please identify yourself and the group you're speaking for. When you begin after the introduction, I'll give you 15 minutes. Should you get close to the end of your 15 minutes, I'll give you a warning that you're getting close to the end. If you leave time at the end, we'll be able to ask you questions.

**Mr. Bert Andrews:** Yes, if you could, please. I'd like about five minutes at the end for questions.

Madam Chair and committee members, my name is Bert Andrews. My wife, Lauraine, is here. We have three children: Angela, Kurtis and Valerie. The five of us own Andrews' Scenic Acres and Scotch Block Winery. We are located between Milton and Georgetown.

**The Chair:** Excuse me. Please stop all the side chatter that's going on. This delegation has waited a long time to be here. Please give them the attention they're due. Go ahead.

**Mr. Andrews:** We purchased our farm, at that time a derelict property, in 1980, from a speculator. We are not speculators or developers, who usually live off their farms or away from their farms.

Throughout the summer, we employ over 100 workers, including 12 Mexican workers. Our farm is 97 acres and we rent an additional 600 acres. On our rented land we grow cash crops, which of course is a misnomer, as you've been hearing. I have some backup information at the end of my presentation which shows the money I'm losing on soybeans, as well as a report from the OFA. We also grow fruit and vegetables.

Today I'm representing our farm as well as Halton Scotch Block Farmland Owners' Group. To understand farming better, and farming in the urban shadow particularly, I would like to invite every member of the standing committee and their assistants to our farm at your convenience. Only by walking in farmers' shoes can you become fully aware of the differences in culture between city and country. We've actually lived in the city and of course we've lived as farmers in the country since 1980. I grew up on a farm and my wife did as well.

Some of the key greenbelt issues will follow. The idea of a greenbelt is a fine motherhood concept. However, the devil is in the details. A greenbelt is an excellent concept. It is, however, in its present form, a seriously flawed outcome for society as well as for hard-working, cash-strapped farmers.

It is an urban plan with, to date, no serious input from farmers. Before a greenbelt is implemented, we recommend that the following be considered:

(1) Culture. To quote a November 2004 Maclean's magazine, "Cottagers versus farmers. Suburbs versus small towns.... This is Canada's next culture war," according to Charlie Gillis. The article is entitled The War Between Town and Country.

To quote Hugh Segal, who teaches public policy at Queen's University, "Urban versus rural is a far more important division in this country than French and English or east versus west." If you think about that for a moment, urban/rural doesn't get the kind of publicity that, say, the French question or even east versus west does, but according to some people it is actually a more important issue.

To quote David Miller, mayor of Toronto, on a federal level Ottawa "over-represents rural interests." So you can see where we come from and what we're up against in



the rural area, when the mayor of Toronto feels that we out in the country are getting too much of a play.

To quote Anthony Wilson-Smith, editor of Maclean's magazine, too many city people regard "rural areas as a theme park ... to amuse" us. Some Toronto people travel all the way to the country "only to spend all their time with other Toronto people.... As Charlie Gillis writes ... 'there's a deep disconnect' between urban and rural people."

Is it any wonder that Paul Mistele, vice-president of the OFA, was quoted in the Toronto Star as saying, "The proposed greenbelt plan is the most draconian"—I repeat, draconian—"legislation the province's farmers have ever faced." I'm a little long in the tooth and I have to say that. I've followed a lot of history too. It undermines a traditional way of life. Mistele also states that the greenbelt plan ignores environmental science and farm viability. It also ignores farm businesses and their contribution to the Ontario economy.

It is recommended that a co-operative approach to farmers be implemented, rather than the present confrontational approach or top-down type of implementation. Please respect our culture. Please respect our past and our future potential contribution to society.

To quote an OFA release of yesterday from Geri Kamenz, vice-president of the OFA, "Ontario farmers are running out of alternatives to keep their farms in production. They have called on their organizations to lobby government, but government ignores them."

I fully appreciate some of the other speakers today. The lady from Crown Bench, for example, just said it so well, the way it is out there in the farm area. Some people have said it so well. I am one of over 100 speakers, so I had to come up with something just a little different from what some of the other people have said, but anything the farmers and the lady from the winery have said in the past in these hearings, I totally concur with.

(2) "Greenbelt" the name: Calling farmland a greenbelt is like putting a red flag in front of a bull. The word "agriculture" or "farmland" needs to be in the name. It is recommended that you work with OFA, OFVGA and the Christian Farmers Federation of Ontario to develop a name that reflects farmers' contribution to this grand scheme. I might add that the province may wish to—this is one for you. Maybe the province would like to greenbelt all of Ontario. What would you think about that idea? Maria, what would you think about that idea, greenbelting all of Ontario? Anyway.

(3) These are some newspaper articles. All our local newspapers have been following the greenbelt very closely.

(a) 4,000-plus acres. Town of Halton Hills, January 14, 2005, special council meeting: "Now therefore be it resolved that council hereby rescinds and deletes"—4,000-plus acres, earlier recommended for inclusion in the provincial greenbelt plan—"and, further, that the region of Halton, the local municipalities within Halton region and the Ministry of Municipal Affairs be advised of this resolution."

(b) Newspaper articles.

From the Halton Compass: "Halton Hills Council Rescinds Greenbelt Addition":

"We need to work with the farming community to bolster their viability": Councillor Jane Fogal.

"Let's correct the wrong. Slower and right is better than fast and wrong": Councillor Joan Robson.

"This may seem like a flip-flop, but it shows that we are listening to the people": Mayor Rick Bonnette.

"We made the wrong decision. We need to correct that": Councillor Clark Somerville.

From the Georgetown Independent: "Council 'Flip-Flops' on Controversial Greenbelt Decision." "In a complete reversal of its earlier decision, Halton Hills council on Friday rescinded its recommendation to the province that about 4,700 additional acres of Halton Hills farmland be added to the proposed greenbelt plan."

The New Tanner: "Council Backpedals on Disputed Greenbelt Land" and "Council Reverses Decision on Greenbelt Land."

Acton/Georgetown editorial: "Righting a Wrong." This is an editorial by the editor of the paper, and I'd like to emphasize this one right here. "It's not often that a collection of politicians will admit they were wrong, but that unusual scene unfolded last Friday in council chambers when Halton Hills councillors rescinded its recommendation to the province...."

The Canadian Champion: "Agriculture Groups Hoping for Greenbelt Delay."

"More time is needed to get the details right. We would recommend an additional year to get the science and consultation with each landowner completed."

"While [Milton Mayor Gord Krantz] said he has no problem with the legislation being delayed, he wasn't optimistic that the province would feel the same way, noting that he thinks it'll 'push it through.'"

"Mr. Krantz said he thinks in bringing forward the greenbelt plan, the province is telling municipalities that they haven't administered their official plans well, which he noted just isn't true in Halton."

The Grower: "Greenbelted Residents Belt Back." There's a copy of that attached.

I would recommend to the Ministry of Municipal Affairs that they consult with farmers and municipalities in the same open-minded, problem-solving atmosphere that has been recently exemplified by our Halton north municipalities of Milton and Halton Hills. I talk here about the difference between the rural and the urban. We wouldn't get that kind of response in Oakville and Burlington, obviously. You had a speaker here on Monday, Oakvillegreen. I'm sure if I was in Oakville and I was wanting just to preserve green space, I would probably feel the same way as Allan Elgar did, but we're not. We're farmers and we're in the north of Halton. It just keeps disconnecting as you go farther into the urban areas.

1740

(4) Places to grow: This plan needs to be developed before the greenbelt plan to assure citizens that no



conflict will arise. It is understood that other cities around the world were studied to learn about their successes and failure. Were any greenbelt areas in the USA or around the world studied to learn about their successes and failures? We would recommend the provincial government do so before legislation is passed. If you did any of that studying, why don't you let us know? We haven't heard about it, and we know there are other areas where they want to preserve farmland for all of the right reasons.

(5) Farm viability: Viability of farming must be fixed first. When you get to be my age, you get a little cynical. We've heard about this protecting farmland. Well, where is the action? Anybody can talk. Talk is cheap, right? It doesn't cost a thing. Where is the action? We cannot accept a "trust me" philosophy on agricultural viability. Show us that you are serious about working with agriculture on the greenbelt issue and farm viability.

A local, provincial and Canadian food supply vision needs to be developed. If farms are viable, land will be kept green. The recommendation is for each farm commodity or sector to put forward what is needed for that commodity to be viable.

I don't know if everybody sees it my way, but that's the way I see it. I was just reading something from the OFA this morning that said there are 264 commodities. But the other guy can't tell you what's best. The maple syrup people can tell you what's best for maple syrup. The pig farmers can't tell you what's best for the maple syrup farmers. You've got to deal with each of them. Once again, there is no one philosophy that fits all. Sure, there are general farm programs like CAIS and there used to be NISA, but that's something different. That's not what we're talking about here.

The recommendation is for each farm commodity or sector to put forward what is recommended for that commodity. Farms within the urban shadow have unique negative challenges and unique positive potential. Normal farm practices, infrastructure and farm types are lacking. To realize the potential of marketing farm products in the greater Golden Horseshow to a readily available market needs serious commitment at local, provincial and federal levels. However, in all fairness, Greg Sorbara, who we were hearing about earlier here with regard to the Boyd Park—and I would certainly support what Mr. Hudak put forward in both of his motions because they made sense. We're farmers. We're independent thinkers. We don't follow some party line. But Greg Sorbara, finance minister, in this case has reversed the policy on maple syrup production facilities. As it now stands, the production of maple syrup is no longer viewed as an industrial operation but rather as an extension of a farming operation, or what is referred to as a value-retention operation. The provincial government needs to understand that many crops have a value-retention component and need to be treated with the same tax breaks as maple syrup.

With regard to value-added activities, using produce grown on the farm to make new products such as pies,

jams etc, the OFVGA believes that the system needs to recognize the origin of the products being used. I've also attached a Greenmarket Farmers Market Web site release from New York City. These are the types of programs that will keep farmland green—there has to be a program; don't just green it, it doesn't work—and contribute to the environment. For farmers to keep farmland green, it must be market-driven. There is no pie in the sky. There is no magic wand. Farming is a business. It has got to be market-driven, not legislation-driven. We need action on farm viability, not words, as I was saying earlier.

At Scotch Block Winery, we submit our fruit wines to the LCBO for quality certification. Quality certification, or QC, must undergo the same quality tasting and technical analysis as VQA wines. Our Ontario fruit wineries' association has been lobbying the provincial government for the same treatment as VQA wines. To date, we have been unsuccessful in our lobbying efforts. As a matter of fact, several fruit wineries have actually gone out of business and have gone broke.

I don't know what it is, and I hit all parties in this—I don't know what happens. My 92-year-old father has a good story. He says, "Before an election, everybody wants to listen to you. After an election, the ruling party somehow seems to go deaf or something. I don't know what happens."

**The Chair:** Mr. Andrews, we're listening, but you only have a minute and a half of our time.

**Mr. Andrews:** Oh. Gee whiz. I've got a lot more.

**The Chair:** I know. If you could summarize.

**Mr. Andrews:** (6) Farm equity, mortgage, borrowing value and farmers. Are there any questions? If that's all I've got for time—it's all written here—are there any questions?

**The Chair:** I'll give 30 seconds to each party, beginning with the government.

**Mr. Lalonde:** I have a question, but I'm going to go ahead immediately with your winery. We know that Jim Watson, the Minister of Consumer and Business Services, has been dealing with the LCBO to make sure that we promote Ontario wine more than we do at the present time. But my question is, should there be a quota in the cash crop sector?

**Mr. Andrews:** It's not a business that quotas would be of any value in. Supply management would not work in that sector. We're working on prices out of Chicago, so it's not a market that—

**Mr. Lalonde:** I know you're going through a tough time. We just got the release this afternoon on the price of corn, wheat, everything. It's very low, the lowest in the last 25 years. But I really believe that we have saturated the market at the present time because we depend too much on exportation.

**Mr. Andrews:** It's not what we grow here in Ontario when it comes to these so-called cash crops; it's how much they grow in the States, how much they grow in Brazil, how much they're growing around the world. It's totally a world market. As to what we do here, all we can



hope for is that you can give us the same tools as the American farmers have, and the European farmers, and then we can do our thing and compete with them.

**The Chair:** From the official opposition, Mrs. Munro.

**Mrs. Munro:** Thank you very much for hanging in here all day, and for coming here to present to us. I want to jump to a couple of the points that you were unable to bring out.

The question of leapfrogging is certainly one that I'm very conscious of in terms of this legislation and the proposal, that it will do that. You mention commuters driving through the greenbelt, people then going to Waterloo–Wellington. Were you serious in suggesting—I believe you did earlier in your idea—that all agricultural land should—

**Mr. Andrews:** Yes, I was. I said this in the beginning. There's two or three things that—when I first heard about the greenbelt, I said, "Why are these lines here?" That's the first thing. "What about economics? There's nothing here about economics, one way or the other." I'm sorry. What was your question?

**Mrs. Munro:** I think you've answered it, because it is an economic issue. With leapfrogging, you then create a further un-level playing field.

**Mr. Andrews:** Yes. We need a level playing field within Ontario; we need a level playing field within North America; we need a level playing field on a world basis. Other countries support their farmers. Europeans and Americans support their farmers better than here. We need action, not words.

**The Chair:** Ms. Churley.

**Ms. Churley:** That was going to be my question, and you just answered it, about other jurisdictions. So thank you very much for your presentation today.

**The Chair:** Thank you, Mr. Andrews. We appreciate your being here today and your passion.

**Mr. Andrews:** Thank you very much for the time, and for everybody hanging in. I was surprised that a lot of my farm friends were able to hang in, because they need to get home and feed the cows and whatever.

#### GREENSPACE CONSULTING ASSOCIATES

**The Chair:** We have one more delegation. Greenspace Consulting Associates. Could they come forward? Good afternoon. Could you identify yourself and the group that you're speaking for? You'll have 15 minutes. Should you get close to the end I will warn you that you're getting close so that there's time for questions, should you want that.

**Mr. Jim Faught:** Yes, I will allow some time for questions. My name is Jim Faught. I am the president of Greenspace Consulting Associates. It's appropriate that a member of the Greenbelt Task Force rounds out your hearings this week.

As a member of the Greenbelt Task Force, we made a number of recommendations to the government under a consensus from a very wide range of perspectives.

#### 1750

Just before I get to that, I want to give you a couple of pieces of background on myself as well, so you understand where I'm coming from. I was also a member of the Central Ontario Smart Growth Panel, with Hazel McCallion as chair, so we dealt with the entire Golden Horseshoe as a planning perspective under the previous government, and those recommendations are moving forward under the growth plan that we see to this date. As well, I was a member of the Ontario Rural Council, so I do understand rural issues and I sympathize with the farmers who have been making delegations today about the issues that are facing them.

Before I get into some of the issues of the greenbelt, I want to let the committee know that I'm absolutely clear on this: I do support Bill 135, I do support the fact that the greenbelt is moving forward and I do understand that the concept, as it's moving forward, is a good one. There are a couple of issues that I'd like to bring to your attention, though.

The first one is the fact that the agricultural viability report, which was not meant to be something to be parked and left on a shelf, was a recommendation from the Greenbelt Task Force for Lyle Vancilief and Bob Bedggood to actually get to the source of the issues of agricultural viability, not just for the greenbelt area but for Ontario. That report sits on the shelf, as far as I'm concerned, to this date. Some recommendations, I understand, have made some headway, but we haven't heard from the government about what's moving forward with that task force. That task force's recommendations are valid; they would satisfy a lot of the concerns that we're hearing from the farmers in the room today and I think we need to move forward on that.

Second is the appellate tribunal. Bill 135 is silent on that, and I support the motion put forward earlier today that there needs to be a clearer appellate tribunal. This is a complex issue of this greenbelt. It's a lot of land area and we don't want it to fall on the back of the OMB to decide where this needs to go. So the appellate tribunal is an important piece of recommendation from the Greenbelt Task Force, and it's missing. So we want to see what's going to happen with that.

Beyond that, in the implementation phase, there is some silence at this point, but we understand there's work behind the scenes, of course. When the Oak Ridges moraine was announced, there was a \$15-million trust fund to put dollars into the pockets of landowners for the implementation of the greenbelt and the Oak Ridges moraine initiatives. We need to see similar dollars in a trust fund to work toward implementation of the Greenbelt Task Force recommendations.

At the public policy forum last fall, the keynote speaker was Roy Romanow, who you know has been working on health care in Canada. He said that good public policy and legislation requires only two things: an open, transparent process, which I believe this was—you've heard that some farmers and other landowners did not know that these open houses were going on. They



were widely publicized, they were widely attended and I feel that there was a very good public representation from landowners and all who were interested. The task force reviewed the summary of those recommendations to make sure that we would adjust our recommendations in our final report in August, so I feel there was an open and transparent process.

The second thing that Roy Romanow said for good public policy and legislation was that it has to reflect the values of the people. I think we've done that with the Greenbelt Task Force recommendations. We do reflect the values of the people as long as the agricultural viability task force recommendations are looked at seriously. That's the missing piece here.

I want to get to specifics around two pieces of geography in the plan, in the map. We heard earlier today about Boyd Park. Boyd Park is an area that does need to have special consideration because of its unique natural area characteristics. I do support the fact that it needs to be included in this greenbelt, wholly. Not partially—it needs to be entirely included.

There are a number of other minor mapping errors that I won't elaborate on here today, but those are being worked through. There's lots of recommendations from municipalities and others for you to treat those mapping issues.

There is good science behind this. I understand that later studies were undertaken. I understand the natural heritage mapping and all that went into that because I was the past executive director of Ontario Nature, which worked on big picture and blueprint mapping with the government to make sure the natural heritage features were combined into a connected system. Those are good pieces of science. I understand the later studies—I haven't seen them—are also good pieces of work if they're conducted properly.

A new piece of information has come up since the task force recommendations that you need to consider carefully, and that is the Pickering airport. The Pickering airport recommendations came forward just prior to Christmas, and with the runway alignment that's set for that airport and the environmental assessment that's going to be conducted by the federal government and the constriction of land area growth for North Pickering, there needs to be a harmonization of the environmental assessment as to what's going to happen with the federal lands for the airport, the north Pickering lands in Seaton and the agricultural preserve.

I'm calling for a full environmental assessment of the entire parcel, harmonized with the federal legislation that's happening and moving forward with the environmental assessment for that parcel. There's only one taxpayer and we don't need to conduct two separate environmental assessments. We need to conduct one for the entire north Pickering parcel.

The recommendations put forward by the farmland preservation group were absolutely right on and I support those completely. There needs to be some inventive ways for those landowners at the edge to be compensated

appropriately, and not in a government fashion but in a non-government fashion, in the way they can be compensated. That's happened elsewhere in the world. In the Napa Valley and other places, that has really proven to be very successful.

I know it's been a long day and I don't want to belabour those points. So thank you, Madam Chair, and I would leave the floor open for questions.

**The Chair:** Thank you. You have left us with almost three minutes a party, so beginning with the official opposition.

**Mr. Hudak:** Jim, it's great to see you. Congratulations. I'm inspired by your presentation and I'm going to move a motion which I'll make sure gets circulated, Chair, for debate later. I know my colleague, Mrs. Munro, has a question. It's the Faught/Andrews motion based on our last two presentations. It reads:

"The committee agrees with the Greenbelt Task Force that:

"Protection of land alone does not ensure agriculture viability, and the province should pursue complementary initiatives including economic development, research and monitoring, promotion of agricultural easements and land trusts for farmers who participate in conservation activities and use best practices and management."

I'd be pleased to table that debate until after Mr. Faught's presentation.

**The Chair:** Do you have any questions of Mr. Faught?

**Mrs. Munro:** I do. I wanted to ask you, as I listened to what you had said and certainly picked up on a number of these key issues that we've heard in the hearings and so I really appreciated, given your background as a task force member, but I'm wondering if you would comment on another issue that I think is equally important, and that is the issue of a growth plan, because many who have come here to the hearings have talked about the fact that that's missing and that while you're looking at, really, the same coin, the two sides, on one side you're talking about preservation and those kinds of initiatives and on the other hand, we've got a gap here. We don't know. Clearly, with the pressure of population and growth and things like that, it seems to many participants that we're trying to walk on one leg so to speak. I wondered if you had any comments from your perspective on the need for a growth plan to be set out simultaneously with initiatives like this.

**Mr. Faught:** The task force was very clear on that, that we wanted to see them come forward together, and that hasn't happened, as you know. There has been a draft plan put out, but we're waiting to see after the public consultations what the next draft will bring forward for us. There is a missing link here. These two plans need to go hand in glove together as we move forward so we know where orderly development will happen and where green space will be protected.

Second to that is this permanent protection element. Bill 135 does have a mistake and I'm sure plenty of other delegations have pointed out that, that the permanence



aspect of the greenbelt is not etched in stone in Bill 135 because it does allow this rolling greenbelt to move forward, and that's where the growth plan and the greenbelt need to be seen simultaneously together to see where growth is going to happen and what's going to be green. That's got to be the deal.

**Mrs. Munro:** I really appreciate that.

**The Chair:** Your time has expired. Ms. Churley, you have three minutes.

**Ms. Churley:** Hi. It's nice to see you again wearing your new hat. My question is actually about that, because as a former executive director, I think up until about a month ago, of Ontario Nature, I remember you explicitly called for the inclusion of the Rouge-Duffins immediately in the greenbelt, which I'd been calling for, and I was a little bit confused about your last comments because you seem to be saying something different. So my question is, do you still support that that should be immediately put in with the greenbelt?

1800

**Mr. Faught:** What I support for north Pickering is that the entire parcel of property, including the agricultural preserve, the Seaton lands and the airport lands, needs to have a second look. There's been so much baggage and political baggage on all those pieces of property, including the land swap with Richmond Hill and the Seaton properties not being transparent, as I talked about earlier with the Roy Romanow good public policy axiom, that we need to have a stop, pause and a full environmental assessment—

**Ms. Churley:** But why? You've changed your position on that.

**Mr. Faught:** No, I haven't changed my position. I'm saying that that's one parcel of land, as determined by the ministry's order, for the public development act review that's going underway now. It's not separated as two parcels. It's concluded as one parcel of land.

**Ms. Churley:** But that wasn't the position of Ontario Nature at the time.

**Mr. Faught:** That's right, because it wasn't considered to be one parcel of land at that time; it was considered to be two. Now it's considered to be one parcel of land under the Ontario development planning act.

**Ms. Churley:** But Ontario Nature still hasn't changed its position on it.

**Mr. Faught:** That's right.

**Ms. Churley:** I'm just trying to figure out why you have.

**Mr. Faught:** Because there's no information regarding the airport that's come forward. The airport is going to require a second look at the entire natural heritage protection system, the agricultural protection systems in Seaton and Duffin and the airport lands.

**Ms. Churley:** Are you representing some of the developers now who have an interest in that land?

**Mr. Faught:** No. I'm representing myself here today as a task force member.

**Ms. Churley:** OK, but not any developers who have an interest in that land?

**Mr. Faught:** No. I'm representing myself as a task force member.

**The Chair:** Thank you, Ms. Churley. The government side.

**Mr. Rinaldi:** First of all, thank you for all the hard work you've done. I was trying to make a note of all the committees for this government and the people of Ontario. It's great to have people like you dedicated to the good of Ontarians.

**Mr. Faught:** Thank you.

**Mr. Rinaldi:** We've heard God knows how many people—you are the last one—and had God knows how many written submissions on the greenbelt legislation. One of the things that I think we did as a government was take the recommendations you folks brought forward under Smart Growth under the previous government. We didn't ignore them; we didn't shelve them.

**Mr. Faught:** And I commend you for that.

**Mr. Rinaldi:** I want to make that very clear. We took the greenbelt legislation that we've got before us now and the Places to Grow legislation that's going to come forward to work hand in hand with this, which hopefully will have second reading in the House within a couple of weeks. But I keep hearing—and you made the comment part of the recommendation—that we need this to tie in with that and that with the other. In the meantime, I think we've wasted some 50 years in Ontario, not sure who's going to wag what where and when.

Having said that, being that the legislation we're talking about today is a framework for the greenbelt—whatever those boundaries are, whatever those inclusions or exclusions will be after all we hear today and are going to hear down the road—do you think we still have to wait, or can we carry on with the piece of legislation knowing there are others to follow? Having had just a year, we're getting things on the go.

**Mr. Faught:** I think I would speak on behalf of the rest of the task force members: I know the consensus was that we wanted to see them come forward together; we wanted to look at where the growth was going to happen and where the greenbelt was going to happen. I commend the government for not shelving the 44 recommendations of the central Ontario Smart Growth panel. Those have all been duly looked at, and I can see the recommendations fully fleshed out throughout the Places to Grow document. The consultations with the public have happened. What we're asking for is, let's see the next version.

**The Chair:** Thank you for your delegation. We appreciate your being here. Should you wish to stay and hear the outcome of the motion that's been named in your honour, you may. Please feel free to stay.

Committee, we have before us the Faught/Andrews motion: "The committee agrees with the Greenbelt Task Force that protection of land alone does not ensure agricultural viability, and the province should pursue complementary initiatives, including economic develop-



ment, research and monitoring, promotion of agricultural easements and land trusts for farmers who participate in conservation activities and use best practices and management.”

**Mr. Hudak:** Just a bit of background. I know it's been a long day, and I appreciate the patience of my colleagues, the clerk and her staff, the staff of the Ministry of Municipal Affairs, and the folks who have been with us all day. I thought it was an excellent wrap-up by Bert Andrews and Jim Faught, both of impeccable credentials in their own fields, who spoke passionately about the issues.

I've lifted, as members probably know, the statement beginning with “protection of land” and ending with “practices and management” directly from page 5 of *Toward a Golden Horseshoe Greenbelt*, the Greenbelt Task Force report.

I don't want to go out on a losing note. I brought forward a couple of motions today. They both fell. I don't want to strike out. I do think this is the easiest one to support. I thought the first two had a chance. Boyd Conservation Area had pretty well unanimous support for inclusion, but sadly we lost that vote. Maybe we'll see an amendment in that regard next week. I thought the second one, with respect to the appellate tribunal, would win support, but it was defeated.

I believe this one, like those other two, has had universal support. I cannot remember a single deputant who came before this committee who disagreed. I think that everyone in their presentations, or who was asked, said there should be some sort of agricultural viability plan as part of this initiative. We've certainly heard that from the Minister of Agriculture and, I suspect, from the Minister of Municipal Affairs—I'm not positive. But if this committee is worthy of its name, if they truly listened to the input that was heard—everybody who addressed this question—as far as I know there was 100% support for a farm viability strategy within the greenbelt area.

So I do hope that members will pass this. I think that will give direction to staff. I know Mr. McKenzie will be working through the weekend on these things and would like to know if this is going to be one of the priorities for possible amendments. I hope that if we do win the committee's support, staff will immediately begin to work on this to ensure that when this legislation is called back to the House, as I suspect it will be some time in February, there will be an agricultural support plan along with it. I do ask members to support my motion; otherwise, I'll be driving back to Niagara sad that I lost three in a row.

**The Chair:** On that heartbreaking note, Mrs. Van Bommel.

**Mrs. Van Bommel:** When I was a municipal councillor in East Williams township, we had a bylaw that said that after 11 o'clock at night we would adjourn our meetings. The logic behind having that kind of bylaw

was simply that you do not make good decisions when you're tired. We are over an hour past what was supposed to be the adjournment time. People have been here for four days in a row. We have people sitting here who would love to go home. I myself don't feel that I can make a proper decision on this at this point, so I'm going to ask Mr. Hudak to bring this to clause-by-clause next Thursday and then we can give it proper and due consideration.

**The Chair:** Mr. Hudak?

**Mr. Hudak:** No—

**The Chair:** Is that your answer? Can we just—

**Mr. Hudak:** No. I do have to; I've been provoked. It's no surprise. My cards are on the table: I will be bringing forward amendments to support the agricultural community for a viability plan within the greenbelt area. We've heard some excellent ideas, and there has been almost universal support. So I will be bringing forward hopefully appropriately worded legal language for this. This is simply a motion to encourage me, as I'm writing these through the weekend, to show that the committee supports it. It's not complex. It was recommended by the task force, the Minister of Agriculture has spoken about it, and I would say members who have been before this committee have said it almost universally. I'm not asking for some complex decision; it is very straightforward. It's what your own committee said; I've heard no arguments to the contrary. As I said, importantly, I know ministry staff are anxious to get writing the amendments that will be coming before us on the 10th. This will put it at the top of their list if I have all members' support.

**The Chair:** I have no other speakers and the motion is in front of you. Would you like me to read it again? No?

**Mr. Hudak:** Recorded vote.

#### Ayes

Hudak, Munro.

#### Nays

Duguid, Lalonde, Rinaldi, Van Bommel.

**The Chair:** On that sad note, that is lost.

This draws to a close our hearings for the day. Thank you to all remaining witnesses, MPPs and ministry staff for their participation in the hearings. I'd like to remind members that as per our subcommittee report, amendments are due in the clerk's office by 1 o'clock on Tuesday, February 8.

This committee stands adjourned until 10 a.m., Thursday, February 10, in committee room 1 for clause-by-clause consideration.

*The committee adjourned at 1809.*







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**Standing committee on  
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Greenbelt Act, 2005

**Comité permanent des  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GENERAL GOVERNMENTCOMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES

Thursday 10 February 2005

Jeudi 10 février 2005

*The committee met at 1009 in committee room 1.*

## GREENBELT ACT, 2005

LOI DE 2005 SUR  
LA CEINTURE DE VERDURE

Consideration of Bill 135, An Act to establish a greenbelt area and to make consequential amendments to the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Act, 2001 and the Ontario Planning and Development Act, 1994 / Projet de loi 135, Loi établissant la zone de la ceinture de verdure et apportant des modifications corrélatives à la Loi sur la planification et l'aménagement de l'escarpement du Niagara, à la Loi de 2001 sur la conservation de la moraine d'Oak Ridges et à la Loi de 1994 sur la planification et l'aménagement du territoire de l'Ontario.

**The Chair (Mrs. Linda Jeffrey):** Good morning. This is the standing committee on general government and it is called to order. We're here to consider Bill 135, the Greenbelt Act, 2005. We meet today for the purpose of clause-by-clause consideration of the bill.

We will now commence clause-by-clause consideration of the bill. Are there any comments or questions on section 1 of the bill?

**Ms. Marilyn Churley (Toronto–Danforth):** Before we go to that, Madam Chair, on a point of order: I just need to be reminded about the ground rules for today. Is this time-allocated, so if we don't get through, we continue—

**The Chair:** I understand we've allocated one day for this.

**Ms. Churley:** Only one day? So what happens if we don't get through to the end today?

**The Chair:** I'm optimistic that we'll get through today.

**Ms. Churley:** If it's not time-allocated, though, it doesn't—

**The Chair:** Next week is the other alternative, when the House is sitting.

**Ms. Churley:** OK, thank you.

**The Chair:** Are there any comments or questions on section 1 of the bill?

**Ms. Churley:** I move that subsection 1(1) of the bill be amended by adding the following definition:

"'Greenbelt area tribunal' means the tribunal established under section 14.1; ('Tribunal de la zone de la ceinture de verdure')."

That was very bad French.

**The Chair:** Is there any discussion?

**Ms. Churley:** Could I be allowed to explain this? Would you mind, before we go into it?

**The Chair:** Ms. Churley, you have the floor.

**Ms. Churley:** Thank you very much. I'm setting the table with this one because I think it's absolutely critical that this go forward. It was a major recommendation to the minister by the appointed Greenbelt Task Force. It called for the establishment of an appellate tribunal with greenbelt-specific expertise to uphold the integrity of the plan. That's exactly what this does. It's not putting forward a tribunal that will have the responsibilities or the expertise or anything to start tearing the plan apart but, in fact, is recommended to actually uphold the integrity and make sure that it's implemented properly.

So the amendment speaks to the need to replace the present requirement for what is called a hearing officer with a greenbelt-specific tribunal, as called for by the Greenbelt Task Force. It is absolutely paramount that the body responsible for considering future amendments to the greenbelt plan have greenbelt-specific expertise and that, by default, the hearing officer does not become the Ontario Municipal Board. That's a concern we have in terms of the way the government has worded it now.

I define in much greater detail later on how this would work in terms of how it would be set up, the greenbelt area tribunal. The members are described, how they would be appointed, and it's fairly routine how the following recommendation and motion deal with this, how it would hold hearings and perform other duties. The tribunal would have all the powers that are necessary or expedient for carrying out its duties. It deals with quorum, it deals with the chair and vice-chair; it deals with the duties of the chair, the chair of the panel resolving deadlocks, members needed to complete hearing. All of those things are defined later on in another motion. So if you haven't had an opportunity to look at that, that would be section 14.1 of the bill, motion 36.

I think it's really critical that this be supported, and I'm hoping the government members will listen to the advice from their own Greenbelt Task Force and support this motion.

**Mr. Tim Hudak (Erie–Lincoln):** I thank my colleague Ms. Churley for bringing this forward. She and I



have picked up on the same thing, as folks will see from the amendments and our comments during the public hearing process. I think we end up getting to a bit of a different conclusion in terms of the functions of the appeal tribunal, but nonetheless, the principle is the same about the importance of the tribunal that would be based on science.

Maybe I could direct the question to staff. As Ms. Churley rightly indicated, page 8 of the Greenbelt Task Force had recommended, "Provide for an appellate tribunal with greenbelt-specific expertise to uphold the integrity of the plan...." How does the legislation respond to that recommendation of the Greenbelt Task Force?

**The Chair:** Could I ask staff to identify themselves for Hansard prior to answering the question, please.

**Ms. Barbara Konyi:** I'm Barbara Konyi from the Ministry of Municipal Affairs and Housing. The legislation deals with it through two sections of the bill, and it is through the hearing officer process. It's contained in sections 12 and 13, which are the points in the legislation where you would consider an amendment to the greenbelt plan in section 12 and that the minister may seek advice from a hearing officer—that's under section 12—and that they can conduct hearings and make written recommendations. The hearing officer process, as noted in those sections, does not preclude it being a greenbelt-specific body; it's in very general terms. You could appoint persons from an existing tribunal or you could, in fact, create a body that is greenbelt-specific.

**Mr. Hudak:** Help me understand that, then. How does section 12, or other parts of the act, actually create a greenbelt-specific tribunal? It seems to me that you could hire a hearing officer at the minister's discretion. The minister could choose his brother, for example, as a hearing officer. There's no description of what the hearing officer would be, which I think is problematic, and I'm sure my colleagues would agree. As much as I respect my colleagues across the way, I don't think it should be Lou Rinaldi hosting these hearings. As much expertise as Lou may have, I don't think he's somebody who would be seen as being outside of the process. How does the legislation actually create a tribunal with greenbelt expertise?

**Ms. Konyi:** First of all, I noted that section 12 gives the discretion for the minister to appoint a hearing officer; it's actually section 13 of the bill that speaks to the details of what a hearing officer would do; that they're appointed under subsection 12(1); and that they shall fix the time and place of the hearing and give notice of the hearing in a prescribed manner to the prescribed persons and public bodies. It specifies the time of hearing with notice, that they'd have to adopt rules of procedure, and that they would make recommendations to the minister.

This is consistent with the approach that was used in the Oak Ridges Moraine Conservation Act as well.

**Mr. Hudak:** Aside from the minister's good judgment, what would prevent him from appointing Lou Rinaldi to be the hearing officer?

**Mr. Lou Rinaldi (Northumberland):** Or his wife.

**Mr. Hudak:** Or his wife—Lou's wife.

**Mr. Rinaldi:** The minister's wife.

**Ms. Konyi:** Nothing.

**Mr. Hudak:** There's no sort of description of the qualifications of a hearing officer?

**Ms. Konyi:** It's intended to work the same as with the Oak Ridges Moraine Conservation Act, which, through this legislation, would also be part of the greenbelt. So it would be a consistent approach.

This bill is enabling in nature in that it lays out the basic parameters to set these things in action.

**Mr. Hudak:** But the Greenbelt Task Force's recommendations were quite clear and quite straightforward that there should be a tribunal created with greenbelt area expertise. Nothing in sections 12 or 13 indicates to me that the hearing officer would necessarily have any greenbelt area expertise.

**Ms. Konyi:** It doesn't preclude that from occurring, Mr. Hudak.

**Mr. Hudak:** Does it create a new tribunal?

**Ms. Konyi:** It creates a body that will give advice to the minister. It follows a public process. The final decision is with the minister. The hearing officer can go through a whole process and hear depositions and such, and then the actual advice goes back to the minister, and the actual decision rests with the cabinet, with the Lieutenant Governor in Council.

**Ms. Churley:** Thank you very much for relinquishing the floor to me again on my motion. I thank the staff for their answers. It's very clear that there's nothing to stop the government, any government of the day, from appointing whomever they want. That was exactly my point, and that's why I raised the possibility of, do we want another OMB situation?

I guess what I would like to do is ask the government members what their view is on this and whether or not you believe this is a flaw. I objected to doing the Oak Ridges moraine this way as well, for the same reasons. There's a fundamental flaw, and a very serious one, in terms of the way this is worded. So I'm wondering if the parliamentary assistant might be able to respond to that.

**Mrs. Maria Van Bommel (Lambton-Kent-Middlesex):** You're absolutely right; this is consistent with what currently occurs under the Oak Ridges moraine. There is always that issue with any public appointment in terms of who's going to get the appointment, is it the right person, who are they related to, all these kinds of things.

1020

Essentially, I think the principle of public accountability comes into play here. You have a situation where there would be great scrutiny, not just from residents within the greenbelt or the Oak Ridges moraine but from those across the province who would certainly hold any government's feet to the fire if they were to appoint someone as hearing officer who isn't appropriate or who is somehow seen to have a bias.

**Ms. Churley:** If I could respond. With all due respect, Liberals are now hiding behind the skirts of the previous government—



**Mrs. Van Bommel:** Oh, please don't say that.

**Ms. Churley:** —if they wore skirts; I'm not sure. At any rate, in terms of justifying what I think is wrong-headed and dangerous. You ran on "Choose Change." I believe that was a mistake in that situation, and I believe it is in this.

I think that this is absolutely key to amend. I'd love to go back and amend it in the Oak Ridges Moraine Act. It's absolutely key. You may have a minister right now with that integrity and, God bless, it might all work out just fine. But this is for now and for future years and generations. I think it's absolutely critical to get it right now.

I suggest that you would want to follow the advice of your very own Greenbelt Task Force, whom I believe expressed the same concern, which is why they recommended that there be a greenbelt-specific-expertise body in place to deal with these issues.

**Mrs. Van Bommel:** I feel that there's nothing in this, as it stands in the legislation now, that precludes the minister's appointing a group of people to deal with the hearings. I think this gives us much more flexibility than would otherwise be the case.

I also think that there needs to be a certain amount of level playing field here for people who are within the Oak Ridges moraine, because they often abut people who live within the proposed greenbelt. You would have people living under different situations and having different rules, and I think we need to have some consistency. There needs to be some level playing field here as well.

**Ms. Churley:** OK—

**The Chair:** Can I just caution you? You're really speaking in support of your motion. I think you've asked the opinion of the government as to what kind of individual would be qualified. Can I remind you to speak to the motion. Ms. Churley, you have the floor.

**Ms. Churley:** In speaking to the motion, Madam Chair, I'd ask the Liberals this, and I suppose you can consider it a rhetorical question: Do the Liberals trust a future Tory government? I know that when governments are in power, they think they're going to be there forever, but it doesn't seem to work out that way, as both Mr. Hudak and I have experienced, and Liberals in the past.

So the rhetorical question—although it could be a real one—is that the Tories may appoint the president of the Aggregate Producers' Association as the hearing officer. That's why this is so critical. I don't know if you want to answer that or not, because it is rhetorical. It points out very starkly some of the possibilities that could happen and why you need to have those protections built into the act so that it can't happen.

**Mrs. Van Bommel:** You're absolutely right about what happens with governments from time to time. At the will of the people, a government comes and goes. But there again, it's the role of the opposition to also make sure that the government is accountable for what it does.

In the case of having a hearing officer, I think there is ample room for accountability to both the public and the

opposition parties. I am sure you'd hold us absolutely to the fire if we did anything other than what is in the public interest.

**Mr. Hudak:** Back to the parliamentary assistant: If you agree that those who are hearing officers should have greenbelt-area expertise, why don't we put that in the bill? If the parliamentary assistant, on behalf of the government, agrees that hearing officers should have greenbelt-area expertise, why don't we put it in the bill?

**Mrs. Van Bommel:** Did I say that I agree that they should have greenbelt area expertise? I don't think I did. I think there are a lot of different qualifications that would have to come into play when a hearing officer is selected. It certainly needs to be someone who has expertise in many areas.

I think we're getting off topic, in terms of what the qualifications are. We're talking about the motion, which says that we would not have a hearing officer, that we would have a tribunal. I think we're talking about whether we stay with one prescribed mechanism, which is a group of people, or whether we give the minister the flexibility to do that, or have an individual act as a hearing officer. I think the flexibility is what we want to have in this situation, because we don't know what kinds of situations may come before the minister in terms of things that need to be adjusted or amended. I think this gives the minister maximum flexibility to deal with the issues as they come about, because we have no idea what's going to happen over the next number of years.

**Mr. Hudak:** Just to clarify, is the parliamentary assistant saying that a hearing officer does not have to have greenbelt-specific expertise?

**Mrs. Van Bommel:** No. We're confident that our minister will be able to take care of it. I have not said that they shouldn't have it. I'm saying that they need many qualifications, not just one or two different qualifications. They need many qualifications.

I think that the minister should be capable of selecting the right person to do the job, and if they aren't, then the opposition and the public will certainly hold that minister to account.

**Mr. Hudak:** Just for clarification, would the parliamentary assistant agree that it's necessary for a hearing officer appointed under this act to have greenbelt area expertise?

**Mrs. Van Bommel:** I'm sorry; ask that again.

**Mr. Hudak:** Should a hearing officer appointed under this act have greenbelt area expertise as a necessary condition for his or her appointment?

**Mrs. Van Bommel:** Now you're asking me to start to detail the qualifications of a hearing officer, and I'm not going to do that. I don't think that's my role. I think that the minister has the role of selecting the hearing officer.

**Mr. Hudak:** I think you'll find strong disagreement from myself and, it sounds like, from my colleague Ms. Churley. I'm not sure about the other members of the committee. If you look at the summary that the clerk and her team, through Mr. Richmond and Ms. Drent, have brought forward with respect to the minister's decision,



the appellate tribunal, and adjudication body issues, the number of groups that supported some form of appellate tribunal with greenbelt area expertise is overwhelming. It seems to me that it would be a necessary condition. It might not be sufficient. You might want to add additional things. But it should be a necessary condition that a hearing officer appointed under this act would have greenbelt area expertise.

**Mrs. Van Bommel:** Can I ask one question of you in terms of the Oak Ridges Moraine Act? Did you set within the legislation the qualifications for a hearing officer? Are you regretting that you didn't?

**Mr. Hudak:** I understand from the staff that these sections are similar. I'm not arguing that. I'm here to say, how can we improve this legislation based on what I heard before the panel?

**Mrs. Van Bommel:** Are you regretting that you didn't do that in the Oak Ridges Moraine Act, then?

**Mr. Hudak:** We did have the blessing and full support—

**Mrs. Van Bommel:** No, I'll take your expertise on that particular issue. Do you feel that you should have done this under the Oak Ridges Moraine Act, and so now you feel that you need to do this here?

**Mr. Hudak:** It's a matter of trust; do you trust the government to appoint the right people for these positions? Based on the considerable number of errors and flaws in the legislation and the plan—I think we've heard over and over again about the quantity of mistakes—no, I don't think that the minister should have our trust to appoint the right people in this regard. I do believe that we should follow the advice of your own task force, which said clearly and simply, "Provide for an appellate tribunal with greenbelt-specific expertise to uphold the integrity of the plan." I guess I'll ask, why are you ignoring that sensible advice?

**Mrs. Van Bommel:** I think we're not going to agree on this one, so we'll just say thank you, but we can't support this.

1030

**Ms. Churley:** I'm not going to belabour this for too much longer, because we have a lot of amendments to go through, but I do want to raise a couple of points and, again, remind the government that notwithstanding what happened with the Oak Ridges moraine—which, as I've stated, I disagreed with in that case—there's a very specific recommendation from the government's own task force on this, and they give very good reasons as to why it should be done this way.

In response to the parliamentary assistant's comments about the role of the opposition in holding the government's feet to the fire, we must not forget that the government has a majority and opposition has a role to play. Occasionally, we actually have some success, as I had, in the previous bill, getting the Niagara Escarpment, which I had a private member's bill on and a couple of other things. But overall, these protections are built in because there is a majority government.

If you turn to page 7 of the bill, under "Report," subsection (5), it says very clearly, "Not more than 30 days after the conclusion of the hearing or within such extended time as the minister determines, the hearing officer shall make a written report to the minister"—not to the cabinet—"and to the prescribed persons and public bodies recommending whether the Lieutenant Governor in Council should approve" etc.

My point here is that this person reports directly back to the minister. So to raise the fact that the opposition—yes, of course, like I'm doing now, making a big issue of the fact that this a wrong-headed move, and it appears that my arguments don't seem to be working, in terms of moving this forward in this particular area.

I just want to say that I have throughout, if you look at all of the amendments, several amendments relating back to the establishment of this body, put a lot of work—I and my staff within the NDP caucus—into following up on this recommendation from the greenbelt advisory group and making sure we got it right, and essentially did the government's work for them here, in some ways. It's all spelled out, based upon the recommendations from the task force, as to how this can be put in place and work. It's not even as though I as a New Democrat have come up with a plan that I think would work and put it forward and said, "Trust me on this." This is a plan that I have put forward based on the recommendations of the respected task force that the government appointed. That's what's going on here. I'm really disappointed that this major recommendation from the task force is not being adhered to.

**Mr. Hudak:** I agree with my colleague Ms. Churley. I think it's a salient point, and it's one we heard overwhelming support for at the committee hearings. I note that the city of Burlington disagrees with what I'm saying, but otherwise, groups were calling for some form of appellate tribute. Your own task force did. I couldn't even get the parliamentary assistant to say that they should necessarily have greenbelt area expertise, which seems like a very simple thing. They should obviously have some expertise in the greenbelt area to serve as a hearing officer. So it's rather alarming. As I said, I don't think that the minister, by a series of broken promises and a considerable number of errors, has earned that trust that we put complete faith in him to appoint the right person at the right time.

The other aspect of this—I'll go back to staff—that I'm concerned about: How do I get one of these hearing officers? We heard at one of the public hearings of a landowner and retired farmer in Grimsby whose property is on the QEW and has had considerable salt damage, such that it would never be a viable piece of property. This is a man of humble means, a senior, and he wants to appeal whether his property should be within the greenbelt area. How does he get one of these hearing officers?

**Ms. Konyi:** If I understand you correctly, Mr. Hudak, you're talking about the greenbelt boundary itself, as opposed to the greenbelt plan. Could you clarify that for me?



**Mr. Hudak:** Sure. If he has an appeal about the designation of his property, the type of designation, whether it's specialty crop or protected countryside, and secondly—

**The Chair:** Mr. Hudak, I'm going to interrupt for a nanosecond here. I'm trying to make sure that people stay on the motion. I just want to you remind you. I'm going to let staff answer this question, but again, we're talking about the greenbelt tribunal. That's the motion on the floor.

**Mr. Hudak:** I agree with Ms. Churley's amendment, because I think you need a tribunal of some kind as an appeal mechanism to decisions, whether it's on the plan or the map. The government has said they're not interested—I anticipate that they'll vote against it—and that they'll put their faith in the minister's hands. If I'm senior, a farmer, and I'm not particularly well-connected with government and may not have the best knowledge of who to contact in the ministry, how could I have my day in court, so to speak, to discuss how my property is treated under the greenbelt plan?

**Ms. Konyi:** Subsection 12(1) of the act says, in terms of amendments to the greenbelt plan, that "The minister may, after considering any written submissions...." So there is an ability for any member of the public, any municipality or anyone else to write to the minister and ask, and the minister will decide whether he or she chooses to seek the advice of a hearing officer.

**Mr. Hudak:** So, by way of example, this farmer could write a letter to the Minister of Municipal Affairs and Housing and request a hearing officer. And then, what guidelines are there in the legislation for how the minister responds to that time frame and how he bases his decision?

**Ms. Konyi:** I would take you to all of sections 12 and 13 of the bill, because those deal with the hearing officer and when they would—

**The Chair:** Mr. Hudak, can I ask how this relates to section 1? That's section 12. Can we please return to the issue before us, which Ms. Churley has put on the floor, and that's the greenbelt area tribunal.

**Mr. Hudak:** Sure. With respect, Chair, the tribunal, if I understand Ms. Churley's motion, would have some jurisdiction over these types of decisions. Instead of the minister appointing the hearing officer, the tribunal would make recommendations and investigate these areas. It's important to understand the process. The government says that we shouldn't vote for this because there is a good process in place. I suggest that process is inadequate, that's it's inherently unfair.

I'm trying to understand how an average landowner from the greenbelt area would be able to obtain a hearing officer. Or should we be supporting Ms. Churley's motion that a tribunal be set up instead?

**Ms. Konyi:** As I stated, it's in section 12 of the bill, Mr. Hudak, in terms of the amendment process, that people could write to the minister. This is a process similar to that in both the Niagara Escarpment Planning and Development Act and the Oak Ridges Moraine

Conservation Act. In terms of creating a hearing officer process and considering that this bill, if passed, would have all three of those areas—the Niagara Escarpment, the Oak Ridges moraine and the remaining area, which would be known as the protected countryside—there would be a consistent approach in terms of how you would deal with requests for amendments to the plan.

**Mr. Hudak:** So the farmer could write, make a written submission. Would there be any other appeal mechanism?

**Ms. Konyi:** That's the vehicle, sir.

**Mr. Hudak:** And are there any guidelines or criteria in this legislation that would indicate how quickly the minister would need to respond and upon what basis he or she could make their decision?

**Ms. Konyi:** No. This bill, the Oak Ridges Moraine Conservation Act and the Niagara Escarpment Planning and Development Act all operate in the same way.

**Mr. Hudak:** OK. Maybe I could ask the parliamentary assistant to the Minister of Municipal Affairs. Yesterday, the parliamentary assistant is quoted in a Canadian Press article entitled "Landowners Have Only One Month to Fight Inclusion in Ontario Greenbelt Zone." Mr. Duguid says they need to get their submissions to the Ministry of Municipal Affairs and Housing within a one-month time frame.

1040

**The Chair:** Mr. Hudak, does this relate to the motion before us? Can you remind me again how we're getting back to the motion?

**Mr. Hudak:** The bill, as it stands, and the way the government is approaching this, is that it should be up to the Minister of Municipal Affairs only to determine whether or not a hearing officer is necessary. Ms. Churley's amendment would create a tribunal that would have jurisdiction in these matters. So my question is, should I support Ms. Churley's motion? I'm inclined to do that, because I think there are some weaknesses in the government's approach, but before I can vote on the creation of a tribunal, I need to make sure I understand what the alternative is if the bill is not amended.

So I asked the parliamentary assistant, and he basically said they need to get their requests or their appeals in right away; you're down to the short strokes. Describe that process for people back home who are reading this article today.

**Mr. Brad Duguid (Scarborough Centre):** That process has nothing to do with what we're talking about here. I would suggest that it's a little interesting that the member, who was part of the government that was responsible for the Oak Ridges Moraine Conservation Act and the Niagara Escarpment process, feels that they screwed up so badly in their process that he feels so strongly that it should be changed. This is one area where we don't think they screwed up. I've seen no evidence of any hearing officers being appointed under either of those acts inappropriately. I think all governments will deal with the issue the way they should and appoint



appropriate hearing officers who would do a fine job in arbitrating these particular issues.

**Mr. Hudak:** Just a simple question based on the parliamentary assistant's quote to the paper: "If they haven't brought them"—that is, an appeal on their land—"forward they better do it quick, because we're moving very quickly to a decision." Another quote: "What they need to do is make their case to staff at the Ministry of Municipal Affairs and Housing, who are making the recommendations to the government."

For clarification, if there are hundreds or thousands of people who are concerned about their inclusion, can you give me more specifics as to how that process works?

**Mr. Duguid:** We've heard about 1,100 submissions on potential concerns being raised from residents, both in and outside of the greenbelt. Each and every one of the concerns that has been brought to our ministry's attention has been given a great deal of consideration. There are still some issues that the ministry is looking into. They're still talking to individuals who are impacted. We are quite willing to continue to do that until the final decisions are made on where these boundaries are going to be drawn. I think that's what the member would expect us to do to make sure we get it right.

The plan will be coming forward soon. I believe March 6 is the date. We expect that the plan will be coming forward by then, which means we're down to the short strokes in terms of decision-making. It's probably more a matter of days or weeks rather than a month that is left for any further consideration of the issues being discussed.

**Mr. Hudak:** I still don't know if I'm understanding fully how this process that the government proposes in the legislation works. If I'm that farmer in Grimsby, how do I actually make my point about inclusion or about designation? You said you had open houses. Fine, but there was no back and forth. They didn't sit down and discuss on a property-by-property basis the science behind a decision; it was more or less for general feedback. So would they contact the parliamentary assistant, the minister? How would they have their chance to make their point?

**The Chair:** Mr. Hudak, I think you had that answer from staff earlier on. They'd provide a written submission. I'm trying to understand the clarification you're looking for.

**Mr. Hudak:** Just to make sure that I do understand. Is it strictly by letter? Is that their only opportunity to have their appeal?

**Mr. Duguid:** We've been through an entire year of consultations, an unprecedented amount of consultation on these issues, particularly when you compare it to the record of the previous government, which in terms of consultations probably invested about a third of the amount of effort and time we've put into it. Residents have had ample opportunity to make their cases. If a resident has not made their case or if there are still ongoing discussions on particular matters that require clarification, we're not precluding them from continuing

to contact our staff to advise them of their concerns. At the same time, we're very close to making decisions on these matters, so time is of the essence. We plan to move forward with this plan prior to the deadline of, I believe, March 6.

**Mr. Hudak:** Just a clarification: The parliamentary assistant yesterday, in a newspaper article carried today, issued almost a call to action. It's very much that "There's one month to go. Get your appeals in now." You're saying they need to make their case to the ministry, who will then make recommendations to the government. I just want to make sure: If people want to have an appeal, their day in court, to whom do they speak? Do they line up at your office? Do they meet with somebody at the local level? How do they actually make their case? Or are they out of luck?

**Mr. Duguid:** People impacted by the greenbelt have already had ample opportunity to make their cases, and most of those interested, if not all, have. I believe we've received 1,100 submissions already. The official deadline for those submissions was December 30, or sometime in late December. So the official process has concluded in terms of receiving submissions. But we're a government that listens to people, and if people have concerns about one particular matter or another, obviously we want our staff to continue to take those concerns and give them due consideration. However, we're close to making decisions on these matters now and time is of the essence.

**Mr. Hudak:** So if they didn't have their appeal in by December 30, 2004, they're out of luck now with respect to the final map?

**Mr. Duguid:** Rather than repeat what I've said three times, I'll let my previous comments stand, because they respond quite appropriately to that particular question.

**Mr. Hudak:** I don't want to belabour the topic or the committee's time, but I think those who are concerned about designations or inclusion in the greenbelt deserve a more straightforward answer than the partisan nature of the parliamentary assistant's comments. Simply put, if somebody is concerned about the inclusion of their property in the greenbelt or, secondly, about the designation, are they out of time? They had to have it in before December 30? Is that what you're saying?

**Mr. Duguid:** If the member wants to hear partisan comments, I'd be happy to oblige, when you compare the record of his government to ours when it comes to consultation on these particular matters, but I don't plan to go there at this particular time.

The fact is that we've consulted greatly, in an unprecedented fashion. Members of the public have had ample opportunity to make their cases. We haven't completely shut the door. We still want to listen. We're going to get this thing right, we're determined to get it right, and our staff are working feverishly to ensure that that in fact takes place.

**Mr. Hudak:** I think the member may be auditioning for question period.



**The Chair:** Can we stop the nature of this banter and just stick to the motion on the floor, which is the greenbelt area tribunal and its merits?

**Mr. Hudak:** Exactly. Ms. Churley has some convincing arguments about the tribunal as a better option. The government is saying that the tribunal is not necessary because there's an adequate process in place through the hearing officers and through an appeal to the minister, in writing, to get a hearing officer. I'm not clear, but the parliamentary assistant seemed to indicate earlier that you had to have your submission in by December 30, 2004, but then said that they haven't shut the door yet. I think I quoted you directly from your last comment. Help me understand. On behalf of the people in the greenbelt area, can they still make an appeal or did December 30, 2004, close the door?

**Mr. Duguid:** I think my previous comments were quite clear. We will still listen. We're an open government and we're going to listen to concerns being raised from all residents until a decision is made. In this particular case, we will still listen to concerns that are being raised. At the same time, we've been through probably one of the most vigorous consultation processes in the history of this province when it comes to land use, a process that has given everybody impacted ample opportunity to make their case to our staff and to the minister directly, in some cases, and we are confident that that process will ensure that we get it right.

**Mr. Hudak:** Chair, if I could—

**The Chair:** Mr. Hudak, I think you have an answer to that question, and I sense some badgering going on here. Can you now take another tack in your mission to try and find out the existing process? I think you have an answer to that question.

**Mr. Hudak:** I think the member did say that they're still listening, so I take that to mean that you can still appeal your inclusion or designation. I think that's what I understand. He didn't give a direct yes or no answer, but he said they're still listening, so I'll take it that, yes, you can still have an appeal. So then who do you talk to if you're that landowner down in Grimsby or in Markham or Whitchurch-Stouffville? Do you talk to the parliamentary assistant or the minister? How do you get your appeal?

1050

**Mr. Duguid:** The word "appeal" has legal connotations to it, and I would not agree with what the member has just said. Certainly submissions and concerns being raised are something the government will continue to listen to. If he's talking about formal appeals, that's something altogether different.

**Mr. Hudak:** The parliamentary assistant just said that formal appeals are something altogether different. I think people are concerned about the formal appeal mechanism, because they'll want to have their day, based on science and a good back-and-forth with the decision-makers, on whether something should be included or on a designation. If the formal appeal mechanism is

something completely different, could you describe what the formal appeal mechanism is?

**Mr. Duguid:** Madam Chair, we're completely off the topic of the particular amendment now. We're into another amendment that we'll be discussing later on. I'd be happy to elaborate on that, but I'd suggest that maybe in the interest of time we should wait until we get there before we start talking about appeal mechanisms.

**Mr. Hudak:** Chair, I disagree. I think this is essentially about the appeal mechanism. Ms. Churley has put forward a motion to create a tribunal as this type of decision-making body. Mr. Duguid says they have a formal appeal mechanism that's completely different from the consultations they've gone through. Before you ask us to vote on creating a different body, I think it's important for us to understand how the formal appeal mechanism is going to work.

**Mr. Duguid:** The member's interpretation of my comments is incorrect. I have not indicated, nor have I even alluded to, any kind of formal appeal mechanism being set up outside of the legislation.

**Mr. Hudak:** But you did say a formal appeal mechanism is something completely different. So before we're asked to vote on creating a different type of appeal mechanism, could you describe how that formal appeal mechanism will work?

**Mr. Duguid:** I'd be happy to do that when we get to it in the legislation. We do have upcoming amendments that will deal with that particular matter, but rather than discuss the matter twice, why don't we discuss what's before us right now in terms of an amendment? I'll be happy to outline that further when we get to it.

**The Chair:** So before us we have the motion on a greenbelt area tribunal. Ms. Churley, did you want to speak to this motion?

**Ms. Churley:** That was an interesting discussion. I think my view of this tribunal and Mr. Hudak's are somewhat different in terms of what we're looking at it doing, and I just want to clarify that. The amendment deals with the replacement of the hearing officer. That's basically it. It's that whoever is asked by the minister to consider amendments to the act has a greenbelt-specific understanding. It's a greenbelt-specific tribunal that will uphold the integrity of the greenbelt. That is why it was recommended by the task force and why I'm carrying it forward.

In listening to Mr. Hudak, I believe he has different goals for a tribunal, which is perhaps the subject of a later amendment. The reality is that if this one fails, any of my amendments that talk about what the tribunal will do will be ruled out of order. But this deals specifically with the replacement of the hearing officer so that the integrity of the act will be held up so you can't have the greenbelt—which we will get to later in terms of my concerns—being piecemeal, bit by bit, pulled apart. That's why this is so important, so that the greenbelt-specific knowledge is there to keep the integrity of the plan intact throughout appeals and other motions and issues that the public or developers or farmers or



whoever may bring forward. It has to be dealt with within the context of the integrity of the act, and that's why this is so important, from my point of view. My motion doesn't deal with a lot of the issues that Mr. Hudak is bringing up around what should be considered within the appeal. It's the integrity of the act that I'm trying to protect here. With the wording currently in the bill, I submit that there's a good possibility that the integrity of the greenbelt will not be upheld.

I want to move on, because we have important amendments to make beyond this one. I don't want to see the Liberals make the same mistake on this that I believe the Tories made on the Oak Ridges moraine.

**Mr. Hudak:** I appreciate Ms. Churley's argument. I support the notion of a greenbelt area tribunal, as she does and as the task force does. I think we'll have some different suggestions as to the functions and the powers of the tribunal but, nonetheless, I have grave concern—as demonstrated, as I say, with respect to my colleague—but a lack of an answer as to what this formal appeal mechanism is in legislation.

Ms. Konyi did indicate that you could write a letter to the minister. I appreciate that straightforward answer from Ms. Konyi. I just don't find that satisfactory. You send your letter in and you hope that the minister is going to read the letter and that he—or she, if a future minister—will respond in your favour and then potentially bring forward a hearing officer who reports back to the minister. Considering the amount of concern, controversy and number of mistakes with this greenbelt legislation and the plan, that's asking for a heck of a lot of trust, and I don't think it has been earned in any respect.

The parliamentary assistant says that the formal appeal mechanism is something completely different and he's going to explain it later. I worry about what the informal appeal mechanism is going to be, and I brought these points forward before. Perhaps, if you know the minister, you know somebody in the minister's office, you go to the right Liberal fundraiser, you might get your day in court, so to speak. But if you're an average landowner in Markham or Grimsby or Niagara-on-the-Lake, your best chance is to write a letter in, and there seems to be some lack of clarity as to whether that had to be before December 30 or not. So I find this completely unsatisfactory. I worry, to paraphrase George Orwell, that some landowners will be more equal than other landowners. Those who have connections will get their appeal and those who don't have connections will not.

We have done an FOI on the science and found out the charge would be \$1,400 to have that produced for us. I wonder about the ability of that farmer or that landowner in the greenbelt area to fork over \$1,400 to get the science to form an appeal. So I think the mechanisms that exist in the greenbelt legislation are inadequate, especially given the way that this legislation has been brought forward. We need a transparent process for appeals so we could give somebody a right to an appeal based on science, rather than simply the discretion of the minister.

I think Ms. Churley is on the right track in creating a tribunal. We'll have some different ideas on implementation of that tribunal, but I do support this motion, because I do not believe the government has demonstrated any ability to actually have any kind of fair, transparent appeal process and they are ignoring the recommendations of their own task force.

**The Chair:** Seeing no further debate, are the members ready to vote?

**Mr. Hudak:** A recorded vote.

**The Chair:** A recorded vote has been requested.

### Ayes

Churley, Hudak, Klees.

### Nays

Duguid, Matthews, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

There being no further amendments to section 1, shall section 1 carry? All those in favour? That's carried.

Section 2: Mr. Hudak, are you moving your motion?

**Mr. Hudak:** I move that subsection 2(2) of the bill be amended by striking out "and" at the end of clause (b) and by adding the following clauses:

"(b.1) Boyd Conservation Area in the city of Vaughan;

"(b.2) Pleasant View Park in the municipality of Dundas;

"(b.3) all of Beverly Marsh in Wellington county; and"

**The Chair:** Any debate?

Mr. Hudak, did you want to speak to your motion?

**Mr. Hudak:** I do hope that we will have the committee members' support for including these areas. I think my colleague from the NDP actually has some similar amendments in terms of including other areas. The evidence brought forward for these particular areas has been compelling and almost unanimous at committee; I've heard no arguments to the contrary. We did move a motion to include Boyd Conservation Area in the plan—not in the legislation; in the plan—which the government members voted against. I don't know if that's a fact, that the Boyd Conservation Area happens to be in the riding of the Minister of Finance and there is a political decision to exclude this, because it does seem to meet the greenbelt criteria for important properties to preserve. Similarly, Pleasant View has a history of resembling that of the Boyd Conservation Area.

1100

As I've pointed out, as one of the examples of why we feel that there is political science rather than environmental science behind the government's decisions, Beverly Marsh in Wellington county is cut in half. I still have not heard the scientific justification as to why the northern part of Beverly Marsh should not be protected in the greenbelt when the southern part is. I'm not sure if



the particular species that live in the marsh stay in the south, if there's a line there that they dare not cross, or what the particulars are of this decision, but I think the Beverly Marsh being sawed in half exemplifies the sloppiness and the lack of science behind this exercise.

It's reminiscent of the original greenbelt map that cut the Holland Marsh in half. For the life of me, I still can't understand why they cut the Holland Marsh in half—a prize piece of agricultural land that was, like a magician's trick, sawed in half. I do hope that the members of the committee will demonstrate that these areas and maybe others should definitely be included as protected areas under the act. I do hope I will get their support for at least these three, because I've heard no convincing evidence to the contrary.

**Mr. Frank Klees (Oak Ridges):** Chair, I'd like to address a couple of questions to the parliamentary assistant with regard specifically to the Boyd Conservation Area. Does the parliamentary assistant—

**The Chair:** Can you tell me which parliamentary assistant?

**Mr. Klees:** We'll go with Mr. Duguid on this one.

**The Chair:** Thank you. I just thought I'd give him a heads-up.

**Mr. Klees:** Does the parliamentary assistant have knowledge of any specific meetings that might have taken place in which the Boyd Conservation Area was specifically discussed, either by representatives of the municipality or others, in which an appeal was made to the government to exclude the Boyd Conservation Area?

**Mr. Duguid:** No.

**Mr. Klees:** I'd like to follow that up with the same question to Mrs. Van Bommel.

**Mrs. Van Bommel:** No.

**Mr. Klees:** Does the parliamentary assistant Mr. Duguid have any knowledge about whether any of his colleagues in his caucus—either cabinet ministers or caucus members—were ever approached by anyone, either at the municipal level or others, with regard to the Boyd Conservation Area being included or excluded?

**Mr. Duguid:** No.

**Mr. Klees:** Mrs. Van Bommel?

**Mrs. Van Bommel:** No.

**Mr. Hudak:** I appreciate the questions of my colleague. On that topic, Mr. Duguid is quoted in a Canadian Press story on the topic of appeals as saying that the Ministry of Municipal Affairs and Housing will review requests and make recommendations to government. Who will make the final decision as to who—

**The Chair:** Mr. Hudak, how does that relate to your motion? Just so I understand where you're going.

**Mr. Hudak:** I think that it's obvious that this is about including particular pieces of property in the legislation, and I'm simply trying to understand who will make that decision if this fails.

**Mr. Duguid:** I believe I understand what the question was. My understanding is the final decision on the plan would be made by cabinet. I'll just see if I can get a nod

from staff. That's correct; the final decision on the plan would be made by cabinet.

**Mr. Hudak:** So we would anticipate that the Minister of Finance would be part of that decision, ultimately, on Boyd Conservation Area. He would be there as part of cabinet making a decision on the plan?

**Mr. Duguid:** I have no idea whether the Minister of Finance would be there for that decision or not.

**Mr. Klees:** Just to follow up, could Mr. Duguid, then, provide me with information as to whether or not he or anyone else has had subsequent discussions with members of staff at which the question was put to staff as to why the Boyd Conservation Area was not included in the plan, particularly given the fact that this issue has been raised a number of times during the course of the public hearings? Can the parliamentary assistant confirm for me whether any discussions have in fact taken place about the inclusion or exclusion of the Boyd Conservation Area?

**Mr. Duguid:** I'm not aware of any particular discussions. I know that there have been deputations to this committee, that there have been discussions in terms of deputations and presentations at the extensive consultations we've held across the greater Golden Horseshoe area. This is an issue that has come up. I can assure the member and the public that the one thing we have asked our staff to do is to give it due consideration. I know that's what is being done. Further to that, I personally have had no in-depth conversations with anybody on the details of this particular matter.

**Mr. Klees:** By follow-up, then, before members of the government are asked to vote on this, I think it would be important for the committee to hear from staff who are knowledgeable about the background here as to the rationale for excluding specifically the Boyd Conservation Area. I wonder if the parliamentary assistant can call on knowledgeable staff who might give this committee some of that rationale.

**Mr. Duguid:** I question whether that's something that's really before us right now. We're dealing with the enabling legislation. Certainly this is a matter that we've given all assurances will be completely considered, that all aspects will be considered and addressed by our ministry staff as we move forward to the plan. This is really part of the plan. I'm not sure that staff are even in a position at this point in time to discuss the details of the plan before this committee. I guess it would be up to the Chair to determine whether or not that's an appropriate request from the opposition.

**Mr. Klees:** Chair, if I might, this section specifically deals with including designated areas in the legislation. The amendment before the committee simply asks to expand that inclusion. If as a committee we're to vote on this, I think it's only appropriate that we have as much information available to us as possible. Surely staff have been dealing with this and would have technical information that would be helpful to us as we consider this. So I find it puzzling that the parliamentary assistant would



say this might somehow be irrelevant. I would ask you to call staff to the table to present us with that information.

**The Chair:** I would rule that it is appropriate to have that discussion. You've asked for a ruling. I believe it is appropriate. I believe your request that staff discuss those particular areas is in order.

**Mr. Klees:** Yes.

**The Chair:** That's what I'm ruling.

**Mr. Klees:** Thank you.

**Ms. Konyi:** Mr. Klees, I'll draw your attention to section 2—

**The Chair:** Again, could you identify yourself for Hansard every time, because it might go back and forth between the two of you.

**Ms. Konyi:** Barbara Konyi from the Ministry of Municipal Affairs. First of all, section 2 of the bill is enabling legislation to describe a greenbelt area. In fact, it is just to establish the area; it doesn't speak to anything beyond that, actually. You put the area in place through a Lieutenant Governor in Council regulation. What we have here is a general enabling power in the legislation.

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**Mr. Klees:** I'm not asking staff to become the defender politically of the document before us. I asked a very specific question, and that was to receive for the benefit of this committee any information staff has available to it on which a decision was made relative to excluding Boyd Conservation Area.

**Ms. Konyi:** I would suggest to you, Mr. Klees, that no permanent decision has been made at this point in time. We had a draft greenbelt plan out for consultation purposes, and what this legislation does, though section 2, is to establish the provision for the Lieutenant Governor in Council to put in place a regulation that would establish the greenbelt boundary.

**Mr. Klees:** That vision excludes Boyd Conservation Area and the other two referenced in this amendment before the committee. What I am asking, for the benefit of members of this committee, is to have information given us that no doubt is available to staff who have worked on this over the last number of months. At some point, in some place, there must be information specifically related to Boyd Conservation Area. I would like to have that information available to this committee.

**Ms. Konyi:** Barbara Konyi from the Ministry of Municipal Affairs and Housing: My understanding, sir, is that the extent of the greenbelt area boundary, including these locations, is currently under consideration. It is not until the point in time in which you have an actual regulation—you need the legislation in place to be able to put it in place—that you can outline the area.

**Mr. Klees:** Chair, you have ruled—

**The Chair:** I think you have an answer. It's probably not the answer you want, but you do have an answer as good as staff can give you today.

**Mr. Klees:** With all respect, I don't believe it is as good as staff can give us. It may be as good as staff wants to give us right now.

**The Chair:** I'm not going to determine intent today. Today you asked a question. I ruled it was in order. You got an answer. You feel the answer isn't sufficient, and I can understand that's the way you feel. But today we're here to discuss this motion that's on the floor. You can determine that you don't have sufficient information and that you support your motion. We're here to debate that, not the intent of ministry staff. So if you could ask a question of ministry staff that they can answer, then you still have the floor.

**Mr. Klees:** I do, actually. Will staff at least tell us whether or not there is information within the Ministry of Municipal Affairs relating to the Boyd Conservation Area that at some point might be used to determine whether it's appropriate to include it?

**Ms. Konyi:** Barbara Konyi from the Ministry of Municipal Affairs and Housing. My understanding, sir, having read and heard deputations here at this committee, is that that information will be put forward. There were some deputations asking for Boyd Conservation Area to be considered as part of the greenbelt plan. To the best of my knowledge, that information will be put forward.

**The Chair:** Ms. Matthews?

**Ms. Deborah Matthews (London North Centre):** I just want to make a comment on this amendment. I'm going to vote against the amendment, not because I don't think these areas should be included; but that's not our role, that's not what this legislation is about. The legislation allows us to bring these and other areas into protected land use. I will vote against every amendment that deals with the boundaries or the specifics of the plan because that's not what we're here discussing.

**The Chair:** Ms. Churley has the floor.

**Ms. Churley:** I guess I've been told how Ms. Matthews is going to deal with my next, more comprehensive amendment on inclusions. If this is voted down, then mine obviously will not be ruled out of order, because it deals with a different land mass, right? OK, I just wanted to clarify that.

As I just mentioned, I have a more comprehensive motion coming up next, which I believe will encompass the three areas designated here. Just let me say that I will support this motion, and let me tell you why. I understand what the staff is saying and what the government members are saying about the way the bill is written. It's including certain areas that are already protected, like the Oak Ridges moraine and the Niagara Escarpment. That's why they're in there. But on the other hand, you have already—this is the conundrum here—designated certain areas that are environmentally sensitive and written them in stone in the plan. If you look at each of these areas individually, and talk about science to show that they should be included, it's absolute. There's just no reason in the world why those should not be in. The fact that you've got some designated already means you've opened up that door. If those weren't in there, we would all be sitting here, fighting to make sure that the Niagara Escarpment, the Oak Ridges moraine and whatever were in.



But those are in there already, so it opens the door for us and the public and everybody to say that here are some other areas that intrinsically—if you look at environmentally sensitive, the Boyd Conservation Area is already in public hands, whatever. It's just a no-brainer that they should be included in the plan. Let's take Boyd Conservation Area in Vaughan. Because of the fact that it's been left out and a squiggly little line has been drawn, some are saying, "OK, that's Mr. Sorbara's riding. Why is that squiggly little line there?" I'm telling you what some people are saying, what's out there.

I don't support, generally, the Conservative view on the whole thing that has been outlined in the belt you've got here, the green part you want to see in, as not having scientific merit. I do, overall. I think the science is there and I believe that's been ratified by David Suzuki and other scientists. There's a reason why those lands should be protected. But what has happened is that some key areas like the Boyd Conservation Area, which I'll use again as an example, have been left out for no good reason when the science is there. It's right there on the cusp and it's just squiggled out. That adds to the cynicism around it, that these are political boundaries, not based on science.

I think that's too bad, because overall I think the science is good, except that it doesn't include enough, which I will get into in my motion coming up next. Although I am supporting these, I believe, unlike the Tories—I guess I would look at it as New Democrats are coming forward with a vision, a comprehensive plan, based on science and the overall consensus in the scientific community that the greenbelt should be extended, and have been very specific about where. So it's not just picking, obviously as these three are, key areas that should be protected, without a doubt, but is looking at a continuous belt that will actually prevent urban sprawl, which this plan, as it is now, will not do.

So I will be supporting the inclusion of these three. I was actually thinking that perhaps the government, given everything they've heard, particularly around Boyd Conservation Area but the other areas as well, would put those in as a sign of good faith that the lines are not being played with politically and that these were oversights or whatever. I think that would actually help in terms of their contention that these lands were scientifically chosen, are not political boundaries. There's no doubt about it that there is some political interference in some of these areas, and I think that's the concern and that's the problem.

I don't see any problem whatsoever in including these lands. I would hope they're going to be included anyway, but we have no way of knowing that, which is one of the reasons we're trying to get everything we can right now within this legislation, to get it right now. Once it's out of here and it has been designed by regulation, by the minister and the staff and cabinet or whatever, we don't know if the integrity of the greenbelt is going to be upheld. I think that everything we can nail down in this committee and say to the government, to cabinet and to

the minister, "This committee has amended this bill so that the integrity of the stated objectives, the goals, of the plan will be upheld."

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That's what this is all about, and that's, I think, the duty and the responsibility of all committee members outside of cabinet, outside the minister, outside of the government of the day. It's our job to make sure that when we come out of here, we have as comprehensive legislation as possible so, no matter what happens in the minister's office, in the cabinet, or whatever later, there are certain things written in stone here.

**Ms. Matthews:** I appreciate what you're saying, and I support the notion that we should be generous in what we include in the plan, but I do go back to the point that that's not what we're here discussing today. We're not talking about the boundaries; we're talking about the enabling legislation.

I just want to make one other point, too. There's all this talk about the "science" behind the plan. I think it's really important that we talk also about the planning behind the plan. It's not all science. There's land use planning that also informs the plan. So I just want to take a step back from this notion of "scientifically based." Parts of the plan are there for scientific reasons; other parts of the plan are there because it makes good planning sense, and we have that responsibility as well.

**Mr. Hudak:** I appreciate Ms. Matthews's honesty, because we had said over and over again that there are some ridiculous examples like these that could not possibly be based on science.

When questioned, the Minister of Municipal Affairs invariably says, "No. They're based on good science," but then he says, "but we'll change them," which is interesting. Maybe the science changes from one week to the next, but basically, you're saying that there are areas that are not based on science. So what would be some examples of areas that are not based on science that are included in the greenbelt or excluded?

**The Chair:** Are you asking the member, or staff?

**Mr. Hudak:** Well, Ms. Matthews brought this point up, and even though she's not a parliamentary assistant in this area, she is Liberal Party president and, I think, highly connected on a political decision-making level. I do respect her experience and her knowledge, and I know she works hard and will have educated herself on this legislation.

So if some of the decisions were not based on science, can you give us some examples of decisions that were based on criteria other than environmental science?

**Ms. Churley:** On a point of privilege, Madam Chair: Could I ask that, while I'm out of the room—I have to leave momentarily—that no vote take place? Would everybody agree to that? Not that it looks like it's going to take place within the next minute or two, but would everybody agree?

**The Chair:** As long as you're back before 5.

Ms. Matthews, you've been asked a question.

**Ms. Matthews:** Obviously, I'm not going to go into the details of the boundaries of the plan—that's not my



area of expertise—but I do know that you've had some fun with us talking about the straight lines. I remember your colleague Mr. Yakabuski said the people who drafted this plan must have been descendants of the people who laid out the concession roads, which I thought actually was fairly clever.

However, science does change. Science is an art as much as it is a science. That's beside the point.

We have to plan for growth. We have to plan for the quality of life for future generations. That's what this legislation does. This is not so much for me or for you, but it's for generations ahead. We have to be responsible. We have to allow for some controlled growth.

So are there straight lines? Yes, there are straight lines. That's because planning is also part of the philosophy behind this greenbelt.

**The Chair:** Mr. Klees, speaking to the motion, please, because I sense we're off on an abstract argument here. Please focus on the motion in front of you.

**Mr. Klees:** Absolutely to the motion. I'm still disappointed that, despite your ruling that we should have the kind of technical information available to staff, we weren't able to get that.

Speaking to the motion and in follow-up to Ms. Matthews's comment about land use planning, we've been trying to make that point. Land use planning is very much a part of this exercise, which is why we've been saying that, before we came forward with this legislation, the government should have brought forward the Places to Grow document. Land use planning should have come as the first step in this process. Again, the government chose to put the cart before the horse here.

I'd like to ask Ms. Matthews, then, whether she would be willing, on the basis of what she said about science, to give assurance to this committee that at least the Boyd Conservation Area, which has been so designated based on science, will not see any development; that no area within the Boyd Conservation Area would subsequently be included as designated for development?

**Ms. Matthews:** I thought I made it really clear that I wasn't going to talk about the boundaries of the plan, because that's not what we're here to discuss.

I do want to make a comment. You would like us to hold off on this legislation until we have other pieces of legislation in place. In fact, I think you would like to delay this legislation as long as you possibly could. We need to move forward on this. It's not the whole package, but it is a very important piece of legislation. I don't want this to be delayed until we have a comprehensive agricultural policy in place, which is another delay that I know you want us to have. I don't want to delay this until we have the Places to Grow legislation in place, because we need to move forward on this now. Are they related? Absolutely. But I think it's time to move forward. I don't want to delay it. You don't want the cart before the horse—you don't want the horse to start moving, but we do.

**The Chair:** Ms. Churley, we've made great progress since you left. You were still on my speakers' list. Do you want to be on my speakers' list now?

**Mr. Klees:** If I could just finish my—

**The Chair:** I'm going to let Mr. Klees finish, but you'll be next on my list to speak, just so you know.

**Ms. Churley:** Thank you.

**The Chair:** We're still on the same item.

**Mr. Klees:** Ms. Matthews is absolutely right: I would like to see this delayed. If she was listening to representations made by many throughout the GTA, whether it be municipalities, whether it be property owners, whether it be the farming community, the appeal to this government was to delay the implementation of this bill. What she is saying to us here today is, "Notwithstanding any of those representations, we're going to move ahead with this."

Having said that, Ms. Matthews didn't respond to my question, and I would ask if she would consider doing so, because it is a very important question and it speaks to the strategy behind this greenbelt legislation.

**The Chair:** Mr. Klees, I believe that she did answer your question, but I'll give her another opportunity.

**Ms. Matthews:** I'm not sure I know what the question is.

**The Chair:** Boyd Conservation Area was the issue, and its ultimate—

**Ms. Matthews:** My response to the question is that we're not here to discuss what land is in and what land is out of the plan—period.

**Mr. Klees:** So, in its simplest terms, you are saying that your government is open to having development within an area that is currently designated as a conservation area.

**Ms. Matthews:** I absolutely am not saying that, and I am asking you not to put words into my mouth, please. I am saying that we are talking about a specific piece of legislation. The question you are asking does not pertain to that legislation.

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**Mr. Klees:** So you are saying that you will oppose any future proposals for development within the Boyd Conservation Area. Are you saying that? Are you willing to say that today?

**The Chair:** I'm going to give you one more chance to respond to this question, because I've heard it three times now. Ms. Matthews, would you like to clarify your position? One more time, please.

**Ms. Matthews:** I think I've been clear. Thank you.

**The Chair:** Ms. Churley, you have the floor.

**Ms. Churley:** Thank you very much for your indulgence. Tim, you can stop ragging the puck now; I'm back.

I do want to move forward. I have a number of amendments, and my goal is to improve the greenbelt so it actually does what it purports to do. My concern, although there are a number of very serious problems and gaps and issues, is that if it's held up too long, we will lose, because of the structure of the bill. It has been amply reiterated today that there's a lot of power in the minister's office, and therefore in cabinet, in terms of setting the regulations regarding where the boundaries



are going to be. I have the utmost respect for the staff; I know they are absolutely non-partisan in this and doing their job and I'm sure will be advising the government, but what happens here, in case people don't understand—my understanding is that, yes, this act is enabling, and the government has until March 9, I think, to come up with the boundaries. Yes, that's correct. That means that some of these will be included and some won't, and some may be moved around or taken out. We don't know, because it is enabling.

But as I said earlier, the government, under section 2 of this act, has set up the ability to include lands and has actually already included lands. So it's not only enabling—this is a really important point, and I'll make it again—but also sets out certain lands to be included, which opens the door within this committee to put in other very clear land designations that should be protected.

I notice that Ms. Matthews did say, and I thank her for being honest, that there is land use planning that informs the plan as well as science. I think that speaks volumes, and I presume that, yes, that is always going to be a consideration with any conservation plan. But that having been said in the context of concerns expressed around, say, Boyd Conservation Area—if you read why that area should and needs to be included, you will understand why there are a lot of questions about why it was left out. I presume, from Ms. Matthews' answer, that there was land use planning involved in that decision, which is a concern that has been expressed here.

Having said that, I suggest that we move on. As I said in the past when I spoke to this, I support it. With the government's failure to support including these lands and hanging its response for that on "Well, this is just enabling legislation"—the problem, as I stated, is that it is enabling, but in your very own legislation you have included some lands. It would make sense, when it's very clear that there is environmentally sensitive land, as these lands are, that we include them as well as those environmentally sensitive lands that are already in the legislation.

**Mr. Rinaldi:** Just a comment to follow up on Ms. Matthews' comment to Mr. Klees that we're going to be waiting forever for one piece of legislation or one regulation. The comment I'd like to make is that we keep talking about Places to Grow, which sort of goes in tandem with the greenbelt and planning, and I agree with that part. I'm somewhat surprised, though, even though the legislation is not before us as we speak but is coming very soon, that the discussions on Places to Grow—I just want to clarify. I was part of those discussions, and PIR did an enormous amount of consultation across the province. I guess what I'm saying is, just look outside the window. We're talking about Places to Grow. It's going to come forward. There has been an awful lot of discussion. So to hear today, "We haven't heard anything about this and we don't know where it's going," I would encourage members opposite to follow the discussions we had across the province. I forget the number of people

we met with. That is going on as we speak today. I just wanted to clarify that point, that the information is available.

**Mr. Hudak:** I appreciate Ms. Matthews' honesty, that obviously decisions were made based not just on science but on other principles. She listed one, public planning principles, and I think she actually said "and other." I think she said public planning principles "and other." I don't know if we'll get an answer what the other principles may be upon which the map is based. It's politics.

**Ms. Jennifer F. Mossop (Stoney Creek):** I didn't hear "other."

**Mr. Hudak:** We can check Hansard later on. I'm pretty sure she said that there are other principles, including planning principles and other. I tried to listen closely. I know I'm not going to tie you down to defining what the other principles are, other than planning principles and science. I mean, it is a change in position, because originally it was all science-based, and now we're hearing that there are planning principles. I think the "other" is politics. I think it's a lot of political decision-making.

I think my colleague has done an outstanding job on the Boyd Conservation Area, expressing the concern we have about its exclusion.

Beverly Marsh in Wellington county is cut in half. I don't know if there is a giant log there that stops species from going from the north to south half. Is the decision to cut Beverly Marsh in Wellington county in half based on science, or is it a mistake?

**The Chair:** Is your question to staff?

**Mr. Hudak:** I think I'll ask the parliamentary assistant to municipal affairs.

**Mrs. Van Bommel:** We're talking about a draft plan. We've had submissions to the ministry. We heard from many, many people when we did our consultations. We heard from people during the standing committee hearings about concerns regarding things they felt should be in or should be out. This is still a draft plan. These things are still all being considered in terms of where the boundaries will be. There is no deliberate attempt to slice anything in half.

**Mr. Hudak:** Chair—

**The Chair:** Mr. Hudak, just so you know, you're my last speaker on this particular motion.

**Mr. Hudak:** Thank you. Basically, from following the debate, the way I understand the government is going to go is to say, "Have faith in cabinet to make the right decisions." You rejected a tribunal approach. It seems like you're going to be rejecting my suggestions and I expect you'll do the same to Ms. Churley's. So you're asking us to have tremendous faith, if this motion doesn't pass, that cabinet will do the right thing.

There are a lot of reasons to doubt that cabinet will do the right thing. We have heard through submissions and through submissions to the [www.greenbotch.ca](http://www.greenbotch.ca) Web site, where we're at 69 separate problems in Caledon alone—there are probably hundreds of problems. Poor Victor Doyle is probably exhausting himself going from corner to corner of the greenbelt listening to people's concerns. I



think you're asking for a huge leap of faith for us to put this in the hands of this government, which has botched this bill badly, to make the right decisions.

Beverly Marsh is cut in half. Was it cut in half because there's a scientific basis beyond that, or was it a mistake?

**The Chair:** And who is your question to?

**Mr. Hudak:** The parliamentary assistant for municipal affairs.

**Mrs. Van Bommel:** I'll repeat: This is a draft plan. All these things are being taken into consideration: the deputations, the letters. All the things we've heard from people are all being looked at right now. That issue is also being addressed.

**Mr. Hudak:** I hear you. You're saying that people can, hopefully, get a meeting with the minister and discuss their individual concerns, because he is the one who will grant a hearing officer and such. You're saying you're listening, and Ms. Matthews had a line that may pop up, that science changes. But help me understand what the basis was.

When the map came out, you'd expect the map to be based on some sort of fact or scientific basis. It's a fair supposition. The map wasn't just drawn randomly by a computer or somebody just sketching it out. So what was the basis? I hope you're going to correct Beverly Marsh. I hear you saying you're going to change the map. But when the map came out, why was it cut in half?

1140

**Mrs. Van Bommel:** There was no deliberate attempt to cut anything in half. I've said it once and I'll say it again. It's a draft plan. I don't think anybody would expect that in a draft you'd draw everything perfectly. Actually, you're questioning the staff's integrity in terms of whether they deliberately set out to do something like this. I can certainly say that that's not the case.

**Mr. Hudak:** But it's getting to be a bit of a bad habit, cutting these things in half. I mean, your original plan cut the Holland Marsh—

*Interjection.*

**Mr. Hudak:** It did. The original plan cut the Holland Marsh in half.

**The Chair:** Can I ask that you speak to the motion that is on the floor? If you have a question as to—

**Mr. Hudak:** Chair, with respect, I think it's very clear that I'm speaking about clause 2(2)(b.3), which I will read back to you.

**The Chair:** You need to speak to the motion—not the past; the motion.

**Mr. Hudak:** I move that subsection 2 (2) of the bill be amended by striking out “and” at the end of clause (b) and by adding the following clauses:

“(b.1) Boyd Conservation Area in the city of Vaughan;

“(b.2) Pleasant View Park in the municipality of Dundas;

“(b.3) all of Beverly Marsh in Wellington county; and”

I'm speaking specifically to clause 2(2)(b.3) of my motion on the floor today to amend Bill 135. It's

important to protect Beverly Marsh, because I don't understand why the government's map cuts it in half. The original plan you put out there cut the Holland Marsh in half, and then you made some changes there, but now you've gone and cut the Beverly Marsh in half. It's just a bad habit of cutting these poor marshes in half. I'm just asking, was it a mistake, that it shouldn't have been cut in half? Was a mistake made?

**Mrs. Van Bommel:** All these things are being taken under consideration right now, and certainly we'll take this under consideration as well. This will be remedied.

**Mr. Hudak:** Are you aware of any scientific or planning or other reason why Beverly Marsh would have been cut in half?

**Mrs. Van Bommel:** I'm not aware, no.

**Mr. Hudak:** Maybe I'll direct the question to staff in terms of Beverly Marsh being cut in half. I know the staff are working very hard. They're running around the province trying to mend the problems of the mapping exercise. Are you aware of any science or other planning principles why Beverly Marsh is cut in half?

**Ms. Konyi:** Barbara Konyi from the Ministry of Municipal Affairs and Housing. With respect to your question, Mr. Hudak, I am not aware. The section of the legislation that we're speaking to today is to put a greenbelt boundary in place. Until such time as we get there and have that regulation, there is no final boundary out there. There is no final greenbelt plan out there. The draft goes out for consultation purposes, for the public, stakeholders, municipalities, everyone, to react and give advice back to the government.

**Mr. Hudak:** I know. I appreciate that. You're working hard. You're getting the submissions that are pointing out any problems with the plan, whether something's included or excluded. But I'm trying to ask a specific question: Was the cutting in half of Beverly Marsh a mistake or was it based on some scientific or planning principle?

**Ms. Konyi:** I can't comment on that.

**Mr. Hudak:** I don't know if folks are going to move amendments to the motion or not. Are staff aware of how many specific mapping errors have been brought forward to the Ministry of Municipal Affairs to date?

**Ms. Konyi:** Mr. Hudak, with all due respect, there is a draft out for consultation. Until such time as, once this bill is passed, the plan and the regulation get put in place, you won't have a final.

**Mr. Hudak:** I'm just trying to get a ballpark of whether we need to amend this motion on the floor to include other areas. Roughly how many different areas have been brought forward as controversies or mistakes in the mapping exercise?

**Ms. Konyi:** I can't comment on what you call mapping errors.

**Mr. Hudak:** Do we know how many submissions there have been to date pointing out concerns about the mapping exercise? Is it 10? Is it 1,000?

**Ms. Konyi:** My understanding, Mr. Hudak, is that there were over 1,000 submissions, first on the draft



greenbelt plan, through the Environmental Bill of Rights registry. There were over 135 submissions on the draft legislation. They all vary from one degree to another with respect to mapping. Some are from individuals in the public. I can't tell you the breakdown. I don't honestly know. I know that a number of submissions spoke to mapping. Now, whether they were all disputing, I can't say for certain. Some raised concerns and others raised support. That's the extent of my knowledge.

**Mr. Klees:** To staff, on the same subject matter: I wonder if staff can tell me whether they are aware of any appeals, submissions or requests to the group who were initially responsible within the ministry for drawing the initial draft by either cabinet ministers or MPPs.

**Ms. Konyi:** I have no knowledge, Mr. Klees.

**Mr. Hudak:** Ms. Konyi, I know I've put you in a difficult spot in terms of quantifying the number of areas. You've talked about the number of submissions you've received, which will probably contain anywhere from zero to a number of concerns about the map. Is the Ministry of Municipal Affairs and Housing quantifying the number of concerns that come forward, mapping problems?

**Ms. Konyi:** We are documenting and reviewing every request that comes in, yes. We're reviewing every one of them.

**Mr. Hudak:** Maybe I could ask the parliamentary assistant or assistants. You're asking us, if this amendment or this motion is voted down, to put tremendous faith in the minister and cabinet to get the map right. We've demonstrated that there are a large number of problems to date. Will you table with the House the number of mapping errors so all members of the assembly are aware?

**The Chair:** Who is your question to?

**Mr. Hudak:** The parliamentary assistants.

**Mrs. Van Bommel:** That seems like a very unusual request. I've never heard of anything like that before.

**Ms. Mossop:** There are no errors in a draft.

**Mr. Hudak:** On the map?

**The Chair:** I think you got an answer.

**Mr. Hudak:** Actually, I was going to respond, but if Ms. Mossop wants the floor, I'd be pleased to cede it to Ms. Mossop.

**Ms. Mossop:** I'm trying to sort out how you can have errors in a draft. The draft, from my understanding—nobody on staff cut the Holland Marsh or anything else in half just to give you something to chew on about for a long time this morning.

You and I have a lot of the same concerns about this. We want to make sure that it happens well. But my understanding is that the draft plan is just that. There are fairly broad brush strokes in there. Yes, you might get the odd anomaly where it doesn't seem to make sense, but this was for discussion purposes. It's a draft, and it invites input and consultation, of which we have had a tremendous amount, which is good. My impression is that the consultation process is very real, very valid. We

were in Grimsby together for the public hearings. We're listening to those people.

This is about enabling legislation, but in addition to that, we're looking at that draft broad-brush plan and fine-tuning and fine-tuning before a final plan comes out. So yes, you might get some odd anomaly there, but I wouldn't read so much into it.

**Mr. Hudak:** I say with respect to my colleague from Stoney Creek, it's not the odd anomaly. Group after group, submission after submission, have pointed out problems, disputes, the lack of science, concern that's it's based on political science. You yourself as a member have said that the area in Winona that is serviced should be taken out of the greenbelt plan, that you would bring that back. Good for you in doing that. But even you have cited what I would consider to be a major problem with the mapping exercise: the west end of Grimsby. As another, we heard about the hamlet on Kemp Road in the committee hearings.

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**Ms. Mossop:** I don't consider it a problem.

**Mr. Hudak:** These are three just in your own riding.

**The Chair:** I don't want to have a cross-debate on this one. I think what you're exploring, Mr. Hudak, is whether or not you want to add additional areas. Can you continue on that line of questioning with the existing motion?

**Mr. Hudak:** Thank you, Chair. I guess I'm trying to understand a quantity. The concern we have with the process or the consultations to date is that basically they end up being done behind a closed door; it looks like there is going to be no tribunal. People will send their letters or hopefully get a meeting with the minister; the minister will go away and present to cabinet; and, shazam, the plan is done. That's asking for a tremendous leap of faith, considering the number of problems that we have pointed out already.

I guess I'm asking the parliamentary assistants if they will endeavour to quantify the number of mapping errors that exist in the draft plan.

**The Chair:** Are you asking both of them?

**Mr. Hudak:** I'm looking for a yes, and I'll take it from either one.

**The Chair:** Mr. Duguid nodded initially, so we'll try him first.

**Mr. Duguid:** Just to be clear—because I think it's important the members and the public know the process that has been gone through in terms of consulting with individuals who have had concerns brought forward—we've had 15 months worth of consultations on this thing, compared to when you look at the previous government and the Oak Ridges moraine, about seven months. We've had four days of legislative hearings. When you look at the previous government, they had three hours just at the last minute before it went forward. We've had double the number of stakeholder workshops, double the number of groups participating. We've had 4,600 people consulted, compared to about 2,100 in the previous government. We've had 2,200 submissions



made orally and written on these matters, compared to about 750 in the previous government on the Oak Ridges moraine. So I would suggest that there has been ample opportunity for individuals across the Golden Horseshoe area to bring forward their concerns. They've all been given due consideration. We're continuing to discuss some of these. Our staff are still looking into some of these matters. These will all come forward in the plan. The exact number of concerns raised—we've had 2,200 oral and written submissions. Many of them have been positive—in fact, a good portion of them have been positive—but some of them have been expressing concerns; some legitimate; some of a private-interest nature; some of which we will likely make changes to, some of which we probably won't.

**Mr. Hudak:** I know I'll probably get that briefing note sent back over a few times during debate today on the Oak Ridges moraine process. You were all new members, but the members of the official opposition at that point in time must have had faith that we had followed the right process and we had done it right, because we did win, as you recall, unanimous support for our Oak Ridges moraine legislation. We appreciate that faith that you put in the government of the day and the minister of the day. I find that the tremendous number of errors that exist, some of which are brought up by members of this committee in their own ridings, causes me great concern. I'm wondering if we have enough areas covered here or if you'll get it right.

You said that there are 2,200 submissions that you've received. We'll receive those if they're sent to the Chair. Will the parliamentary assistant make those 2,200 submissions available to all members of the committee?

**Mr. Duguid:** I'm not in a position to make that kind of a commitment. I'm simply not in a position to make that kind of commitment right now.

**Mr. Klees:** With regard to the amendment before us, again, I want to be very clear for the record that it only refers to designated areas that everyone in the past has already agreed are environmentally sensitive. So we're not asking the government to go beyond what has already been established as being important to the province of Ontario by way of preserving these designated areas.

With all respect to Mr. Duguid's reference to the amount of consultation, I want to remind him and the rest of this committee that the scope of the land that is being included here through this legislation alone is in excess of 1.8 million acres—perhaps 2.2, depending on whose numbers we take.

On the Oak Ridges moraine, with some 470 hectares, as my colleague indicated, there was unanimous consent; there was extensive consultation. We're now dealing with a far greater land area. To put it into context, Prince Edward Island is composed of some 1.3 million acres, Rhode Island, some 1.4 million acres, and Delaware has less than 1.8 million acres. This government now is forging ahead on legislation that affects a vast number of people. The point that we're making through this discussion, the reason I was appealing to staff to come forward with some specific information to help us with

this, is that I think it's important that we know as a committee, when we present the final piece of legislation to the House, that this is based on credible science, on credible evidence, that in fact what is included should be, and if there are areas that are not included here, that we do what we can to ensure that they are included.

With regard to Ms. Mossop's comments earlier, which I appreciated, her clarification about the fact that this is really only draft; and to Mr. Duguid's point about the fact that so many submissions have been made that point out where errors are, where exclusions are; and appeals from municipalities and landowners and others that adjustments should be made: I would expect that Mr. Duguid would agree, given the vast number of errors that were made in the draft plan, or oversights if you will, that after all of the submissions, in the end, and by March 9—is that the date? Do we have a date for when the final plan will then be presented, as determined by government? I stand to be corrected. What is the date when the government intends to nail down the final plan?

**Mr. Duguid:** If he wants a response to that, Madam Chair, there is no particular date or deadline. The moratorium ends, I believe, March 9. I think I said March 6 earlier; I correct that: March 9. So we hope to have the plan in sometime before then. We're planning on getting it right, and we'll make sure that we take the time we need to get it right.

**The Chair:** Mr. Klees, speaking to the motion that's on the floor—

**Mr. Klees:** So speaking to the motion, we are asking that these three areas be included in the draft legislation, so at least that can be right and there is no question about whether these areas will be included or not. That leaves someone out there to take, over the next couple of weeks, all of those submissions that have been made and somehow get it perfect prior to March 9.

I submit that that is going to be an impossibility. As well-intentioned and as qualified as staff are, I cannot believe that even the parliamentary assistant believes that that plan then will be perfect. So I submit that, based on that alone, what should be included in this enabling legislation as we move forward is a mechanism for appeal, so that in fact, when we find that at best effort it's not perfect, at least the enabling legislation has a mechanism by which the government can make right what it didn't get right through that process.

Again, I'll say that I think by including these three areas that are before us, we can at least ensure that the good work that's been done in the past to designate these areas be included. Then I would hope that, in the wisdom of this committee, we do not allow this opportunity for making amendments to the legislation pass without including an appeal mechanism into the enabling legislation.

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**Mr. Hudak:** This is back to Mr. Duguid, the parliamentary assistant. I've been there before as parliamentary assistant. I know you always have to be cautious. You need to make sure you don't put the minister in a difficult



situation. You mentioned that 2,200 submissions have come forward on this, some in support and some with concerns about the belt and the mapping exercise.

**Ms. Van Bommel** earlier talked about the importance of the opposition keeping the government honest, to be the check and balance. That was with respect to the hearing officers. I suggest she probably has similar thoughts in terms of the decisions that are made on the greenbelt, that we would have the responsibility to make sure the minister makes the best decisions, whether or not it comes forward.

**The Chair:** Mr. Hudak, I don't want to break your train of thought, but is this related to the additional areas you want to include on this motion?

**Mr. Hudak:** Absolutely.

**The Chair:** OK. I just want to make sure you remember that the motion is still on the floor. That's what we're supposed to be debating.

**Mr. Hudak:** My train of thought, if it wasn't evident, was that the government is probably aware, or will be aware shortly, of the number of mapping problems. I've pointed out but three here that I have particular concern with, and there may be others that we want to put here. So I'm trying to understand the quantity of issues that exist and potentially how long this particular motion should be.

To the parliamentary assistant: You mentioned that you've had 2,200 submissions. We would have received those that had been sent to the Chair or to the clerk. They may have sent them to us of their own accord. But I do not believe that we in the opposition have the full 2,200. You can't make that commitment today, I understand, but could you commit to me that you will go back to the Minister of Municipal Affairs and Housing and that I would have an answer within a week on whether the opposition members could receive copies of the 2,200 submissions so we can act as that check and balance on the government?

**Mr. Duguid:** Madam Chair, any time an opposition member asks for information, the government is always willing to consider that request, and if it's appropriate and if it's possible and practical, I'm sure the government will do everything they can to accommodate.

**The Chair:** Thank you. Are members ready to vote yet?

**Mr. Hudak:** I appreciate the goodwill expressed by the parliamentary assistant, but there was another part of my request. We're going back to the assembly on the 15th. Respectfully, through the Chair to the parliamentary assistant, could I ask that the minister respond to my request for copies of all the submissions by the end of next week?

**Mr. Duguid:** The member can ask anything he wants, Madam Chair.

**Mr. Hudak:** But you'll relate that back to the minister. You'll do that. You'll see him before I will, I would think.

**Mr. Duguid:** The minister's staff is here and they are aware of the request. As I said, if it's practical, legal, possible, we would be happy to accommodate.

**Mr. Hudak:** OK, Chair, just so I'm clear. I would respectfully ask the parliamentary assistant, the members of the minister's staff and members of the Ministry of Municipal Affairs that we have copies of the 2,200 submissions that they have quantified or, if the number changes, all the submissions on the Greenbelt Act, plan or map so we can act as that appropriate check and balance, failing the creation of a tribunal.

**The Chair:** Are members ready to vote now? No further debate?

**Mr. Hudak:** A recorded vote.

**The Chair:** A recorded vote has been requested.

### Ayes

Churley, Hudak, Klees.

### Nays

Duguid, Mossop, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

Our next item is subsection 2(2). Ms. Churley?

**Ms. Churley:** I move that subsection 2(2) of the bill be amended by striking out "and" at the end of clause (b) and by striking out clause (c) and substituting the following:

"(c) the area generally known as southern Simcoe county and further described by regulation;

"(d) parts of Northumberland county that are shown as situated to the south of the greenbelt area and bordering Lake Ontario on the map set out in schedule 1 to the document entitled 'Greenbelt Draft Plan' published by the Queen's Printer of the government of Ontario and dated October 2004 and that include lands forming part of,

"(i) the municipality of Port Hope,

"(ii) the township of Hamilton,

"(iii) the township of Alnwick-Haldiman, and

"(iv) the township of Cramahe;

"(e) the areas of land situated between the following two types of land depicted in the map set out in schedule 1 to the document entitled 'Greenbelt Draft Plan' published by the Queen's Printer of the government of Ontario and dated October 2004:

"(i) the lands described as settlement areas outside the greenbelt area that border on Lake Ontario, and

"(ii) the lands that constitute the greenbelt area, as set out in that map; and

"(f) such other areas of land as may be described in the regulations."

**The Chair:** Ms. Churley, you have the floor.

**Ms. Churley:** You know, that's a very technical-sounding motion, as these always are when we're trying to amend a technical bill, so let me be really clear. I didn't bring my bigger map. Actually, it's all these lands in Liberal red here. People refer to this bit down here, for instance, as the necklace or—

**Ms. Matthews:** The choker.



**Ms. Churley:** The choker, yes, that kind of thing. These are the lands I'm referring to, right here on this map, so everybody is aware.

The reason I am proposing that these particular lands be included in the designated greenbelt area I think has been pointed out by many who came before us to indicate that they wanted the greenbelt expanded. I could quote from many sources who came forward, but I particularly point out the Neptis paper on growth in the Toronto metropolitan area and a general consensus by scientists that these lands—and I'm sure there may be others outside this area, but these lands, for a number of reasons, need to be included.

I know the government will say, "This is just enabling legislation and we're looking at all of this," but again I point out the grave concerns put forward by Neptis, Environmental Defence, the Sierra Club, NEC, a number of groups who have come forward, some of the farmers, the Christian Farmers and others. They have all pointed out that these areas absolutely have to be included. That's why I'm making an amendment that they be included in the legislation that we bring forward.

It seeks to expand the size of the greenbelt by adding three main areas of land to the greenbelt plan, and those would be: south Simcoe, the various areas of unprotected countryside left out of the greenbelt that exist presently; designated urban boundaries along Lake Ontario to the south, and again I pointed those areas out; and the greenbelt boundary to the north.

According to the Neptis Foundation, which I just referred to, this unprotected countryside totals some 68,000 hectares, and the lands commonly known as part of Northumberland county lying south of the easternmost part of the greenbelt boundary and running south to Lake Ontario. Those are the specific areas that I'm talking about here.

Let me say this in terms of the rationale, and there are a number of reasons. It's important to understand this, as I ask for your support. We're not setting a precedent here, because the government has already decided to include areas outside the greenbelt study area in the greenbelt plan. They've already decided to do that for reasons of environmental sensitivity and developmental pressures, for example, parts of the town of Erin and the county of Dufferin.

Let me talk about south Simcoe, because it's one that I've been raising over and over again in the Legislature and as we've gone through this whole process. South Simcoe county is already experiencing intense development pressures as speculators and developers leapfrog over the greenbelt. So this is the leapfrog argument.

There are two arguments around this. There's the concern about the leapfrogging. There's also a very grave concern about the development pressures in that area on Lake Simcoe, which are extreme. The concern is that many parts of that land are already designated for development, and if they're not put in now, it might be too late.

**1210**

For example, there are currently two low-density developments planned for south Simcoe, one near Bradford and Bond Head—we've heard a lot about Bond Head in particular, but we mustn't forget about Bradford—with a projected population of 114,000, and the other, known as the OPDI development, has a projected population of 50,000. That's a lot more new people, with all the infrastructure that goes with that, in a very, very stressed area. These developments, furthermore, are being proposed on rural, not urban, lands within the county of Simcoe's official plan.

We all heard recently and we all know the problems with urban sprawl and why the government came forward in the first place with a greenbelt. Recently, the College of Family Physicians states—probably we're all aware of this on some level anyway—that urban sprawl contributes not only to traffic jams but to traffic fatalities and air pollution as a factor in the rising incidence of respiratory and heart disease. They also say that people in car-dependent neighbourhoods, not surprisingly, walk less, weigh more, have higher blood pressure, more incidence of diabetes and heart disease and are more likely to suffer mental health problems. I'm not picking on anybody who lives in the suburbs, but these are studies done by doctors. The concern is that as we see more and more urban sprawl, we're going to see more and more of these problems emerge.

Furthering sprawl in south Simcoe and Northumberland county, south of the Oak Ridges moraine, will only serve to make traffic congestion worse. It'll increase the demand for new highways and infrastructure and negatively impact the health of Ontarians and the environment. The Neptis report points out frequently that "the proposed plan will not solve the problem of protecting the vulnerable lands at the scale of the region. Most of the problems the government has vowed to rectify are not in fact confined to the greenbelt. Most of the region's environmentally sensitive lands and features, and much of its prime agricultural land, lie outside the proposed greenbelt and are already facing strong development pressure" etc.

Neptis mentioned, as did some of the farmers—and I found this really revealing—that the agricultural land left out of the greenbelt is actually better than the agricultural land that's in, on the whole, if you take out the Holland Marsh and the Niagara fruit lands, which are already designated.

I would say that there is a scientific consensus that these areas need to be in the greenbelt, for these reasons. The lands that lie between the designated urban boundaries to the south and the greenbelt boundary to the north are some 68,000 hectares of prime farmland. I mean, you've got to ask, when this belt of land has been left out, when the evidence is there that it's prime farmland and in fact is, on the whole, better agricultural land than the farmland that's in, what is going on here? I know that the growth plan has not come out yet, but you've got to wonder who owns these lands and what has



been promised to the developers in terms of working with the government to some extent—not all, but some—in saying, “OK, a greenbelt, but there are some lands down here that we want to develop on.” I don’t know who owns these lands, but there’s something really wrong with this plan when these prime agricultural lands are left out.

It’s not just me saying that. It’s experts in the field, so to speak: the Christian Farmers and others, as well as Neptis. Studies have been done. Farmland that is superior in quality to that presently included in the greenbelt—this has to be in to ensure that urban boundaries are contained and that urban acres do not simply continue to sprawl toward the greenbelt boundary, which is the point being made by Neptis.

I know that the government has claimed that these lands are required for future growth, but that is without merit. That has also been told to us time and time again. Listen to this, because it’s really key in terms of the justification around planning issues for growth: If one assumes no progress in increasing urban development densities or in promoting the infill and redevelopment of existing urban areas—that’s the direction we all want to move in, but even supposing that doesn’t happen—the existing 78,000 hectares of land within urban boundaries provides sufficient development lands for the next 20 to 30 years. Add that to the brownfields, some of the infills that have to be done, and that’s a lot of room for development. So there’s no excuse to leave this sensitive farmland out.

Let me say categorically, as has been said by the Neptis Foundation and others: “Without the inclusion of the lands between the greenbelt and the designated urban boundaries, the government’s claim that the greenbelt is the cornerstone of the greater Golden Horseshoe growth plan rings hollow, and the opportunity to have the greenbelt play a role in reducing urban sprawl will be lost.”

This is absolutely and fundamentally key. This land has got to be included in order that the government’s purported purpose be kept. Nobody can argue against protecting greenspace, and that’s why I’ve been supportive of the greenbelt. Any land we can protect, great. If sensitive land and farmland is being protected, I support that. But the reason I keep harping on about the need to include these lands is what the Neptis Foundation says quite bluntly, as I’ve been saying and others have been saying quite bluntly: Yes, you will be protecting some land, but you will not be achieving the purpose of preventing urban sprawl, which you say is the cornerstone of this plan.

What we have here is a plan that doesn’t meet its purported purpose, or one of its key purposes, and that is preventing urban sprawl. So again I say to the government that it is critical that this prime agricultural land in this belt through here and south Simcoe up here be included in the plan, and that we come out of here today as a committee with a plan that goes beyond what the minister has come forward with, a plan that you can

proudly hold up and say, “We have a plan that’s going to start curbing urban sprawl.”

It just does not do that right now, and furthermore, it’s eating up—I’m reiterating this because it’s so key—prime farmland that in most cases is better than the farmland that has been included within the greenbelt. You have to ask, what’s wrong with this picture? I would like to hear—I’m sure the government has some response to this—given that there is all kinds of scientific evidence that this needs to be in the greenbelt, why it is not.

**Mr. Rinaldi:** I guess we’re going to go down the same road. I really do appreciate Ms. Churley’s commitment to a green Ontario. I think we’re all thinking along the same lines. One of my concerns, though, is that here today we seem to be drawing lines on a map. I haven’t seen anywhere that that’s mandated here today. Our mandate here today is to put legislation out so that we can draw proper lines on some maps as we move forward.

I just want to speak to a couple of issues. I repeat again what we talked about before: that this seems to be isolated legislation, that we’re doing nothing else but greenbelt legislation. Well, we have a study presently going on to look at the south Simcoe lands, Places to Grow. As a matter of fact, Places to Grow has been working with the Neptis folks quite closely, and they do fantastic work. I guess I’m somewhat surprised that Ms. Churley is just relying on the Neptis report, even though it’s an excellent report and they do super work. I believe you were in the same room as I was the last four days of hearings and we heard all different things. So I think we need to have an open mind to take in all that information.

1220

One of the things I want to talk about a little is some specific areas that happen to be in my riding—as a matter of fact, a large part of my riding—which are those municipalities you’ve mentioned: the municipality of Port Hope, the townships of Hamilton, Alnwick-Haldiman and Cramahe. With the exception possibly of the township of Cramahe, those other municipalities were impacted by the Oak Ridges moraine by about 50% of their land mass. I’m just generalizing, but it’s somewhat to that extent.

I had the privilege of sitting on county council at the upper-tier level of government. Although I was a municipal politician in one of those municipalities, we did not have an opportunity, even though we tried, to fit into the three-hour consultation when the Oak Ridges moraine came down the pipe. We tried. I remember it happened through the duration of two wardens. We sent resolution after resolution that we passed in our time on county council, and I can provide that to you if you like, because I was there. It fell on deaf ears. The Oak Ridges moraine came, and I’m not arguing whether it should or shouldn’t be there—absolutely no regard for the farming community and the beautiful rolling hills of Northumberland county.

I guess I go back. We find ourselves here today talking so much about those lines, and lines are very



important. I don't think anybody is going to diminish the importance of those lines.

I encourage this committee to move ahead with the legislation. We've heard submissions, we've heard from people and I have a lot of trust in our ministry staff that they will examine all those submissions, make recommendations to us as government and move forward, because it's long overdue. If we keep on waiting for one piece of legislation and waiting for the other—I'm having a hard time believing which one is the cart and which one is the horse and what part of the horse and what part of the cart we're waiting for. We need to get on with this.

**The Chair:** Are members ready to vote? Mr. Hudak.

**Mr. Hudak:** I don't blame the member for Northumberland for being concerned about this because I think it would be a political nightmare to be a government member in a greenbelt-affected area. People support the principle. It's motherhood, preserving green space and the preservation of farmland, but because the concerns in the greenbelt are so widespread and growing—I think the meetings I have been to probably have been among the most heated I have been to in my 10 years as an MPP. So no doubt a lot of landowners in your riding would be concerned about being involved in this legislation.

The member brings up an excellent point about the south Simcoe area. If the government were truly concerned about stopping urban sprawl, you wonder why they prioritized stopping urban sprawl around Beaverton and leaving it wide open to Barrie. You've heard this line before; you're nodding. It is open season on sprawl, which the government says it is fighting, all the way up Highway 400 into Barrie, which is a mysterious decision, given that it seems to be at odds with the principles that the minister talks about in the Legislature. So if people are concerned about that long line of traffic snaking up Highway 400, it's going to get a lot worse under this legislation, in the absence particularly of the growth plan. So the member points out something very interesting.

The second part, too: I think in the original campaign document you included these areas in Northumberland county, right? There's an area in the campaign document that is absent from where the government ended up going with its legislation. I think there has been a lot of curiosity as to why those areas were left out.

I know my colleague Ms. Churley wants to jump back in. She's got a big smile on her face.

**Ms. Churley:** I do.

**The Chair:** She's not in the order, though, thank you. I have another speaker before her. So if you're giving up the floor—

**Mr. Hudak:** I got the signal, Chair, that she was tired of my remarks and had something to say.

**The Chair:** Mr. Klees gets to go first.

**Mr. Klees:** I'll defer to Ms. Churley, and I can make my comments following hers.

**The Chair:** All right. Ms. Churley, you have the floor.

**Ms. Churley:** They may be sorry, because I have an interesting map here.

I have a couple of things. Just briefly, coming back to south Simcoe, I've heard descriptions like the development that is happening there is like development on steroids, and that it's the wild west of development, and all these kinds of things. It's a very worrisome area in terms of the development that's happening and needs to be taken very seriously.

I want to point out this map. This map right here is actually a map that was put out by the Tories in May 2000. This is the Natural Heritage System, Oak Ridges Moraine. It's a good map. It shows environmentally sensitive areas. The areas I'm talking about now, and you might recall this, this orange part right down here was designated—it's parts of land, including in the choker, that we're talking about as one of the most environmentally or ecologically sensitive areas on the Oak Ridges moraine, yet the Tories—this is why I was saying you may be sorry—left it out as well. It got left out even though it has been defined on this map as extremely environmentally sensitive. Look at it, this area that I'm talking about right here. It was left out of the Oak Ridges moraine. There's an opportunity now to bring it back, through the greenbelt, and it has once again been left out. Once again, I would like to know, from both parties, I suppose, why this really important environmentally sensitive land has been left out.

As well, I want to give you some information about north Leslie, which is an area within this choker that I'm talking about that needs to be included, and why, talking about scientific reasons for including this land, all parties need to support getting this choker in, including the Tory members. North Leslie is—just let me tell you about it—a unique property line at the connection point of the Oak Ridges moraine and the headwaters of the Rouge River. Developers are proposing to blanket the 1,500-acre site with 6,000 residential units, industrial and commercial development. Home Depot, Costco, a gas bar and retail shopping centre of approximately 500,000 square feet are planned for this site. It has a discharge zone for the Oak Ridges moraine, high aquifer vulnerability. As I said, in the map, it's showing a majority of the site should be protected from development.

There's a comment, and I want to read this directly, in a letter dated October 10, 2002. MMAH described the natural heritage features of this site as containing, and this is the ministry saying this: "As a remainder of the subject lands, we have found that there are a number of natural heritage features on this property. These would include a portion of the provincially significant Rouge River headwater wetland complex, a number of permanent and intermittent streams that traverse the site, habitat for the reddsides dace, a threatened species...." It's so threatened, I'm not even sure what it is.

**The Chair:** It's a minnow.

**Ms. Churley:** I knew it was some kind of fish, but I wasn't sure. It's a threatened species.

**The Chair:** Our researcher told us it was a minnow. I asked.

**Ms. Churley:** Thank you. Now we know. It's a "threatened species which inhabits and migrates through



the Rouge River tributary adjacent to the Highway 404 and a number of woodlands.”

The site has been identified as one of Ontario’s top 10 hot spots by the Greenbelt Alliance. They say, “This is one of the most environmentally sensitive and threatened areas in southern Ontario. Developers...”—and I won’t repeat again, because I said earlier the number of residential units and the big-box stores etc. that are being proposed for the site.

**1230**

I wanted to read that into the record and to back up the reasons, the rationale for having these lands here as an amendment. There is no fooling around here: These lands should be included. I can’t believe that they’re not. They are not, and I believe the government has made it clear that they’re not going to support this today, because they view the legislation as enabling, although, as I pointed out in my previous comments when I began, a precedent has been set, which kind of belies that argument, because the government has included areas outside the greenbelt study area. We talk about Boyd Park, for instance. It’s very, very sensitive, but I would say that this is probably even more sensitive than that in terms of the environmental sensitivity.

Assuming from what the government said that they’re not going to support today bringing these lands, the choker and south Simcoe, into the boundaries of the greenbelt, what I’d like to know is, can the government guarantee that if you don’t approve this amendment today that you are going to protect these lands in the plan? If you’re not going to support the amendment, can you guarantee, given everything we know about this particular land, that it will be included during the period of time when the regulations and the boundaries are being determined?

**The Chair:** Ms. Churley, who is your question directly pointed to?

**Ms. Churley:** Either one of the parliamentary assistants.

**The Chair:** Mrs. Van Bommel.

**Mrs. Van Bommel:** I can certainly guarantee that these things will be taken into consideration. Again, it’s a draft plan, so I can’t guarantee what will be in and what will be out.

**Ms. Churley:** Could you just give me another minute? I guess I would like to know that even if you cannot guarantee today that, at the end of the day—I know you don’t have the power to make that decision on behalf of the minister. But would you agree with me that these lands should be included in the plan? Would you recommend that these lands should be included on the basis that if they are not, we will not have a permanent greenbelt that will stop urban sprawl, that we will not be protecting some of the most prime agricultural land in southern Ontario? Would you agree with me that in order for the greenbelt to be viable and do these things, you would recommend that these lands be included?

**Mrs. Van Bommel:** All these areas are under study right now in terms of their importance. Quite frankly, I

think there are areas all over the province that are as important in terms of preservation of the lands as well. Again, I’m just going to say to you that it’s all being taken into consideration.

**Mr. Klees:** At the outset, I will relieve the tension on the part of the government members and let them know that I won’t be supporting this amendment. But I do want to have an opportunity to express why, because I think Ms. Churley’s amendment speaks to the flaws of the legislation before us. All that Ms. Churley’s amendment would do is further entrench the lack of scientific evidence and good rationale for moving forward with protective legislation—or enabling legislation, as you put it.

The reality is that this amendment would simply further feed what is the fundamental error of this legislation as it is before us today. This government is ignoring every principle of smart growth. Mr. Rinaldi referred earlier to consultations that took place before they took office—and Mr. Rinaldi is carping that he can’t believe it. Well, if he’ll give me a couple of minutes here, I’d like to help him understand why I said that.

His current greenbelt draft plan—mind you, there’s hope. I suppose now there’s hope with a lot of these areas that are now included in the greenbelt. After the government has heard from property owners, from municipalities, from planners, from environmental groups, the government may well, in its final plan, on which I understand much work is going to be done between now and March 9—it will be perfect, and it will then extricate from the plan all of those areas that are preventing the possibility of development and forcing the kind of leap-frogging that Ms. Churley is referring to in her submission.

The fundamental principles of Smart Growth spoke to the need to focus development, intensify development, in those areas that were not environmentally sensitive, where there was existing infrastructure, so that we wouldn’t have to encourage urban sprawl into areas that were inappropriate. But, Mr. Rinaldi, unless you haven’t looked at your draft plan, you have to admit that there are literally thousands of acres of land that fall into that Smart Growth definition in my own riding. Whether you look at Highway 404, whether you look at Woodbine Avenue, or whether you look at a number of other areas where there’s existing infrastructure, there is no justification whatsoever for designating those areas as greenbelt.

Here’s what you’ve done: Simply by putting the draft plan into the public domain, you have now triggered a gold rush into areas beyond the greenbelt. There are properties today that are being put under option to justify this government’s irrational greenbelt legislation. You know why? Even this government admits that the greater Toronto area will have to absorb some four million new residents by the year 2031. I’m going to ask Ms. Churley rhetorically, and I emphasize “rhetorically”: Where will those four million people live if not in south Simcoe, if not in other areas to which developers and builders are



now turning their focus? If we cannot allow development to take place on lands that have already been designated for development through the good work of the local municipalities, through all of the land use planning that Ms. Matthews referred to, if we can't be responsive to that, then what is this really all about?

I can't support this amendment, because I believe that in some of these areas there is justification for some development. What Ms. Churley doesn't tell us when she refers even to the Leslie north plan is that, as a result of the Oak Ridges legislation that came in, for any development that takes place in any areas that are environmentally sensitive, mitigating steps must be taken prior to development to ensure that the environmentally sensitive areas are in fact protected and that there isn't damage being done to the environment. I'm sure Ms. Matthews will tell you, given the opportunity, that good land use planning provides for that. Developers will invest literally hundreds of millions of dollars to ensure that they comply with the requirements as set out by natural resources, by environment and by the Ministry of Municipal Affairs, to ensure that it is responsible development. That's what Smart Growth called for. For us to contemplate this amendment that simply adds another broad brush and puts into place this choke—I think it would in fact be a choke—would make no sense whatsoever.

1240

Just to emphasize the point I'm making here with regard to the inappropriateness of this amendment, I'm going to read into the record some references. This is in yesterday's Toronto Star. The headline reads, "Property Values Will Soar in Greenbelt, Economist Says." I'm going to quote Christian Cotroneo, who writes:

"If the Ontario government encircles greater Toronto with a massive greenbelt, property values will soar, according to a prominent housing economist.

"Speaking at a symposium of the Ontario Association of the Appraisal Institute of Canada, Frank Clayton warned that higher property values will cause people to move outside of the greenbelt and commute into the city. In addition, industries with extensive land holdings could be pushed right out of the area—even out of the province because of rising prices...." The article goes on to say, "Existing property owners would thrive at the expense of renters, children living at home and immigrants," I would think the very people Ms. Churley would see herself advocating for. It's very clear that this legislation, and even the amendment she's now bringing forward, would hurt in the long term.

The article goes on to say, "'Anybody who's a homeowner today or a property owner will benefit because property values go up,' Clayton said after the downtown symposium." This is a fundamental principle of supply and demand. Clayton said, "'But anybody in the future that has to get into the market ... these are the households that are going to face the higher prices.

"They're worse off. Whereas the property owners are better off."

I think it's important for our committee to keep this in mind.

"Designed to curb sprawl"—that's the announced intention of this greenbelt legislation—"the greenbelt would protect 720,000 hectares of countryside surrounding the GTA....

"Clayton compared the phenomenon to the housing explosion of the 1980s when property values soared and people were forced into cheaper bedroom communities outside Toronto."

What this government is doing with this greenbelt, with this broad brush, unscientific and not based on good sound planning principles, land use planning principles, is they are forcing this leapfrog. If the government is responsible, it won't adopt Ms. Churley's amendment, because the four million people who are going to come to the greater Toronto area have to live somewhere. This greenbelt legislation is forcing areas such as south Simcoe and other areas, whether it's Peterborough or elsewhere, to open their doors to development that otherwise, quite frankly, wouldn't be on the development horizon for decades. This government has now forced that to take place, I suggest, within the next 36 months. Given the realities, it's probably appropriate that the government allow the appropriate land use planning process to take place.

What we have to ensure is that the appropriate environmental protections are there, and what this underscores is the fact that this government has a great deal of work to do to get it right between now and March 9, and we'll be watching.

**The Chair:** Are you done?

**Mr. Klees:** I think I'm done.

**The Chair:** I sensed you were just building up. Mr. Rinaldi?

**Mr. Rinaldi:** I'm hopeful, from what I heard from the member opposite, Mr. Klees, that as we move forward with Places to Grow legislation—I'm not trying to get away from this—that I can look forward to his supporting it wholeheartedly. I don't know whether he's been following it through; I can't stress that enough. We actually took the Smart Growth initiative, which the former government initiated, and the great work that Mayor McCallion did for the greater Golden Horseshoe and we're doing exactly those things: intensification to allow development to happen where there's infrastructure in place to go hand in hand with the greenbelt legislation. I look forward to your support on the next piece of legislation.

**Ms. Churley:** I would say that the Tories' true colours are coming out. Talk about being hoist on their own petard on science. The Tories' whole house of cards is collapsing based on that speech about good science.

**Mr. Klees:** No, it's not.

**Ms. Churley:** Yes, it is. Look at your own map. I'm talking about your science and the work you did when you were in government that designated the very lands I'm talking about as environmentally sensitive and needing to be protected. The science is there. You keep saying that the basis of your Oak Ridges moraine was based on good science. Well, the science is right here, and you're



now saying that because of concerns about affordability and other things, you can ignore that science. You cannot have it both ways. You cannot. That's what you're trying to do here. You either have to rely on the good science or not.

You asked a rhetorical question, and I'll actually answer it. I don't know if you were there for Mr. Eisenberg, who is a very respected developer. He was one of the few who actually came forward in support of the greenbelt, and he also would like to see it extended. He was talking about how sprawl means that for every \$1 spent it costs a municipality approximately an average of \$1.20 for services, the infrastructure, and it depends on the municipality; it's from \$1.17 to \$1.41. Leaving aside the environmental arguments, all of those that I'm going to come back to briefly, on just the costs alone, it doesn't make sense to keep on increasing sprawl.

Also, Mr. Klees, none of what you said makes sense. We're talking about leapfrog development, which will actually make things worse. We're talking about eating up prime agricultural land and all of that, but we're also talking about building and developing right over good agricultural land right up to the wall of the urban designation.

The Neptis Foundation—I go back to that because they're quite renowned and quite respected, by the way, and do very good work. They have made it very clear—and Mr. Eisenberg talked about this as well—that there is lots of land for the next 20 to 30 years, even without the densities, which we have to improve, and the infill and redevelopment and all of these things, which is where I understand the Places to Grow is going to be taking us, and I hope very much so. Even understanding that issues come up within municipalities around infill and density and all these things, there are some very creative things that can be done and will be done. But leaving aside all of that, the land is there for development, and it's actually cheaper to do, not only more environmentally sound. You mentioned the word “choking,” that development will choke. Well, we'll be choking. If this development continues and leapfrogs over the greenbelt and this choker is not reserved, then we will have even worse urban sprawl than we have now.

1250

I'm just going to read you a little of what the Neptis Foundation says in their analysis. They say:

“The Neptis Foundation has analyzed recent and present development patterns, which it calls ‘business-as-usual’ development, and has modelled the likely effects of 30 more years of similar development in the region. This research, published as the Toronto-Related Region Futures Study: Implication of Business-As-Usual Development (June 2002) leaves little doubt that if present trends continue, the problems of sprawl will increase. It shows that if current development patterns remain unchanged, urban development would consume, by 2031, an area slightly less than twice the size of the current city of Toronto, and that problems of congestion, air quality, and the inefficient use of infrastructure—already bad—would worsen.

“The problems of future sprawl will be particularly acute for those who live at the edge of the urban area”—again, if this area is not protected, this is where it's going to bump up against—“in places like north Oakville, north Brampton, Woodbridge, Richmond Hill, and Markham. These areas are already experiencing traffic congestion, but are not designed to accommodate public transit networks. Neptis research has shown that these dysfunctions will increase as the areas that are currently on the urban fringe become enveloped by further business-as-usual urban expansion.” Very, very dire consequences.

Finally, I really deplore the tactic—I think Mr. Klees mentioned it, and the so-called Greenbelt Coalition that came forward used the same scare tactics to suggest that I and anybody who supports protecting this land is actually keeping new immigrants and poor people from affordability. I just think that is deplorable and outrageous, and anybody who suggests such a thing is being disingenuous at best, when the evidence is there.

I was also reading information lately that, contrary to what some are saying, lot sizes in today's climate are actually getting bigger instead of smaller, when they should be getting smaller in some of these areas.

But the evidence is there that there's plenty of land on which to build affordable housing, so that is a disingenuous argument. I believe that is the developers' argument, and that these are the true colours of the Tories coming out now in terms of where they stand on this issue. It's picking little spots where it feels safe to do so, but in terms of having an overall vision to protect environmentally sensitive land and save important farmland, there is no overall vision.

I'm going on at length. I really don't want to hold this bill up, but for me, this is a key issue. If we don't protect these lands—it's absolutely critical that we protect these lands—the greenbelt will be a failure. That's why I have taken pains to try to explain why it is so critical. I'll end by reminding the Tories that I'm talking about their science here.

**The Chair:** Mr. Klees, you have the floor. We have five minutes before we're naturally going to our break. Can you summarize in five minutes or would you prefer to be the first speaker after lunch?

**Mr. Klees:** I think I can accommodate the natural transition to lunch.

I just want to clarify that my reference to children and immigrants and the cost of living was a direct quote from Mr. Clayton of Clayton Research Associates. This is in an article that Ms. Churley can read in the Toronto Star of yesterday. The specific, direct quote from the paper is as follows: “Existing property owners would thrive at the expense of renters, children living at home and immigrants, he said,” referring to Mr. Clayton. If that is a disingenuous argument, her challenge is with Mr. Clayton, not with me.

**The Chair:** Mr. Hudak, I will ask you the same question: Can you contain your comments so that we can break at 1 o'clock or would you like to be the first speaker after lunch?



**Mr. Hudak:** I can do it in three minutes, Chair.

**Ms. Churley:** Will you give me 10 seconds?

**Mr. Hudak:** So now I've got two minutes and 50 seconds.

To both my colleagues, I've enjoyed the debate and the discussion. As my colleague from Oak Ridges pointed out, the member for Toronto–Danforth talks about some of the flaws in the approach, that there are some areas of great concern for sprawl, all the way up to Highway 400. That long snake of traffic will get longer, I think, with the government's current approach.

My colleague from Oak Ridges also pointed out that there is a genuine concern about ample housing supply. As any economist will tell you, if you limit supply, a lot of scarcity prices will go up. Mr. Rinaldi, the parliamentary assistant, has talked about the growth plan with a great deal of knowledge. It's important to have the growth plan so we know where that housing supply is going to be, to prevent the issues that Mr. Klees has brought up.

In the absence of that plan, it's hard for us to have faith that the government has set aside adequate housing supply so that housing will remain affordable to young families and to new immigrants who are moving out of the city. In fact, the Ontario Professional Planners Institute makes that exact point, that these things should be going hand in hand.

The concern I have, as I get near the end of my two minutes and 50 seconds, is that we've pointed out that this is a flawed process. It's a greenbotch rather than a greenbelt. It crawled out from under the weight of the broken promise that Dalton McGuinty made to stop the housing on the Oak Ridges moraine. It was politically motivated and rushed and has sort of limped through a process where we have 2,200 submissions on it. If there's a modest one concern per submission, that's 2,200 problems potentially, maybe more, with the greenbelt. There's that old expression about GIGO—garbage in, garbage out—the old computer term. So we do have a great deal of concern about taking a demonstrably flawed process, a greenbotch, and exacerbating it.

The member comes up with some salient points and points out the flaws, but I frankly don't trust the government to correct the greenbotch, and I don't want them spreading this flawed approach to other parts of Ontario. If they had concentrated on ensuring that it was based purely on environmental science, if I were confident that areas like Marcy's Woods would in fact be protected, I'd have much more faith, but sadly, from what I've seen from the government to date, I don't have that faith.

**The Chair:** Ms. Churley, you said 10 seconds.

**Ms. Churley:** Well, after the break we'll hear from the government on this, but I just wanted to come back to the quote from Mr. Frank Clayton. That's of course a quote from the Star, but it's by Mr. Clayton, who is the spokesperson for the so-called Greenbelt Coalition, which is mostly comprised of developers, who have a particular point of view, I guess from their perspective

legitimate. But that is Mr. Klees supporting the developer point of view on this, which is not backed up by science, by the way.

**The Chair:** I have no other speakers. Are the members ready to vote?

**Ms. Churley:** Recorded vote.

**The Chair:** A recorded vote has been requested.

### Ayes

Churley.

### Nays

Duguid, Hudak, Klees, Matthews, Mossop, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

On that note, we will break for an hour recess, returning at 2 o'clock.

*The committee recessed from 1258 to 1406.*

**The Chair:** We're back from our recess, and we're on subsection 2(2). The motion is an NDP motion. Ms. Churley, you have the floor.

**Ms. Churley:** I move that subsection 2(2) of the bill be amended by striking out "and" at the end of clause (b) and by striking out clause (c) and substituting the following:

"(c) the regional municipality of Waterloo; and

"(d) such other areas of land as may be described in the regulations."

Let me speak to that, if it's OK.

**The Chair:** Yes.

**Ms. Churley:** We just went through a couple of amendments that were voted down: one by the Tories that I supported, for three specific areas to be designated; and then my motion, which neither Liberals nor Tories supported, to put in that band of very environmentally sensitive land that has been left out and which has been recommended to be put in the greenbelt by many experts and scientists.

I would be interested to see if there's any justification whatsoever for any of the other parties not to support this motion, because some of the arguments that were made about the others, although I disagree with them, were that there may be good reasons why these lands might not be included. We will look at them, like we're looking at the whole mix, to determine whether or not they should be in.

This one is about the regional municipality of Waterloo. We were all at committee; we were all there—at least most of us in this room were all there—when on February 3, 2005, the regional municipality of Waterloo came before the committee and very strongly requested that the region be included in the greenbelt. They recommended that "the greenbelt protection plan be extended to include environmentally sensitive and agricultural lands in the region of Waterloo...."



They cited many reasons, and gave very compelling reasons as to why they should be included. I'll just give a few here: to protect the Galt, Paris and Waterloo moraines, which provide 75% of Waterloo region's water supply. Also, given the similarity in protection for environmental and agricultural lands between the greenbelt plan and the region's growth management strategy, inclusion in the greenbelt would entrench the region's vision in provincial statute and provide greater certainty for the region's plan.

I would say, given Waterloo's strong stated desire to be included in the greenbelt—because they feel they need that protection; there are a lot of development pressures on them—and the synchronicity of the region's objectives with the greenbelt plan, the greenbelt plan must be extended to include the regional municipality of Waterloo. There's absolutely no compelling reason why it should not be, given that this is a situation where the region is asking to be included in the greenbelt. So that is the reason why I put forward this amendment on behalf of the regional municipality of Waterloo.

**Mr. Hudak:** I think Ms. Churley has put an important motion on the floor which does reflect the testimony, if you will, from the regional chair himself, supported, as I recall, by staff. There may have been some other municipal leaders who were there with him, but I know the regional chair himself made this point.

As I said, I have a great deal of concern about the tool and the broken nature—in fact, that the greenbotch tool is spreading to other areas. But he asked for it, and I wonder if the government members and the parliamentary assistants would kindly respond to Ms. Churley's request. If the region asked for it, are you going to put them in?

**Mrs. Van Bommel:** Again, this refers more to the draft plan, and all these things are being taken under consideration.

One of the other things I want to add to the conversation here is the fact that there are a lot of municipalities and a lot of regions that are concerned about this kind of sprawl, and one of the things that we did do in the fall was enact the Planning Act amendments in Bill 26, which allows us to strengthen the provisions. Instead of having just simply regard to the provincial policy statement, we now must be consistent with it.

The provincial policy statement is also, at this time, under review. So we're trying to provide, through other vehicles, the same kind of strengthening that the region of Waterloo is asking, because I think it's a concern right across the province. We want to deal with that, along with Places to Grow, which we've also got in place. These things are all trying to do the very things that Waterloo is asking us for.

**The Chair:** No other debate?

**Ms. Churley:** Just briefly, I'm just having a quick review of the submission that we received a few days ago. The region makes a very strong case as to why they need to be included. They're right on the edge, and they give very compelling reasons why they need to be a part

of the greenbelt. They feel that, without being included, there's real danger, notwithstanding other legislation, that they're not going to be able to protect some of the sensitive land.

Again, I would just simply like to say, given that this is one of those—and I said in a previous amendment that there's already a precedent for including lands. You've done that with some other lands outside the greenbelt because it's sensitive land to include it. There's just no reason whatsoever. Who would object to this, to include it at this time and give them the comfort, knowing that this will be included in the boundaries?

**The Chair:** No further debate?

**Ms. Churley:** It's just passing strange that you won't put this one in. I just need an answer.

**The Chair:** Are the members ready to vote on this one? I don't see anybody willing to speak on this motion. Are the members ready to vote?

**Ms. Churley:** Could I please have a recorded vote.

**The Chair:** A recorded vote has been requested.

#### Ayes

Churley.

#### Nays

Duguid, Matthews, Mossop, Rinaldi, Van Bommel.

**The Chair:** I declare the motion lost.

Our next motion is a PC motion. I presume, Mr. Hudak, you would be reading that?

**Mr. Hudak:** Chair, unless my binder is out of order, my next one is an NDP motion.

**The Chair:** Sorry. OK. Yes, yours is the one I have in this order.

**Mr. Hudak:** OK. Thank you, Chair. I move that section 2 of the bill be amended by adding the following subsections:

“Scientific basis for greenbelt area

“(2.1) Within three months of the day this act receives royal assent, the minister shall prepare a report that documents all scientific studies and principles that were relied on by the government in determining the areas included in the greenbelt area, as set out in subsection (2) and shall submit the report to the Lieutenant Governor in Council and table the report in the Legislative Assembly if it is in session or, if not, at the beginning of the next session.

“Notice to landowners

“(2.2) Within three months of the day this act receives royal assent, the minister shall notify, by mail, every person who owns land that is part of an area that has been designated as part of the greenbelt area under this act.

“Same

“(2.3) A notice under subsection (2.2) shall,

“(a) explain the scientific rationale that justifies the inclusion of the area as part of the greenbelt area;



“(b) inform the person of his or her right to appeal, under section 2.2 of this act, the designation of the land as part of the greenbelt area; and

“(c) inform the person of the right to inform the ministry if he or she believes there has been a mapping error and provide an address or other information for doing so.”

The importance of this is that it's a fairness amendment. If I understand correctly—my colleagues who have been at the municipal level would let me know—municipalities, when they are doing these significant planning initiatives, I believe are required to notify impact to landowners so they can have their say. We have been read the briefing note about the extent of the town hall meetings that were held. But at the same time, because this impacts such a significant number of properties and different individuals, it seems only fair to ensure that those individuals would be properly notified about this plan. If the government feels that the legislation is very strong and the plan is very strong, you'll probably be pleased because then you would have an enthusiastic response from the landowners. If not, if they have concerns, I think, as I've driven the point home today in committee, they should have the ability to have a fair, transparent and public appeal process to go to.

It just seems very simple and very straightforward to ensure that landowners are given notice—that's subsection (2.2) and following, and subsection (2.1). As I've said, we have done an FOI, a freedom of information request, on the science behind the greenbelt plan. The letter we received in response asked for \$1,400 as a payment and indicated that we could expect the results back in early May, at best. I'm a member of the Assembly and we know how to do these FOIs. The average landowner, I suspect, may not be as familiar with the freedom of information process nor have the ability to bring forward \$1,400. So for example, if a landowner wanted to appeal, through either the mechanism as amended or the existing mechanism, and they wanted the science behind the property, they could very well find a \$1,400 entry fee in order to make their case.

That's why (2.1) is also important, to make publicly available the information behind the greenbelt, including the LEAR studies that we're still waiting for, to ensure that taxpayers will not have to fork over \$1,400 to get the science behind the greenbelt. Third, it's to make sure that all individuals who are impacted have full knowledge that the status of the land will be shifting. So it's a fairness issue and it's a justice issue, particularly with the stories that have been running today. The government is getting down to the short strokes. There's only one month to go to appeal and the parliamentary assistant is asking folks, if they want to appeal, to make their case to the Ministry of Municipal Affairs and Housing. There's only one month to go. It seems only fair that people should be given fair notice that they've been designated as part of the greenbelt area. That's why I think this motion is very important.

**The Chair:** Any further discussion?

**Mr. Duguid:** I guess the member is suggesting once again that his party's own approach to the Oak Ridges moraine must have been unfair. We all know for a fact that they never thought, nor did they suggest, that they would ever contact every landowner in the Oak Ridges moraine area and give them all the information we may have on their particular property. That's a pretty onerous task to undertake, to begin with, but to suggest that we should be doing that now either means one of two things: either he feels his own party treated all the landowners in the Oak Ridges moraine unfairly in the way they brought it forward, and he may as well just say that up front, or he feels that, because there's another government in power now, we should be doing things completely differently from the way that it's been done in the province in the past on these types of issues. We didn't quarrel, when we were in opposition, with the way the Oak Ridges moraine was brought in, in terms of the notification to landowners. In this particular case, there's been plenty of consultation with regard to that.

1420

He talked about science. I think this is important to mention as well. The concept I think his leader mentioned was of voodoo science being used. Well, it's the same science that has been used with the Oak Ridges moraine and with the Niagara Escarpment. It's well recognized science. David Suzuki and a large group of scientists have endorsed the way we're moving forward with this. It involves geographic information systems mapping. It involves MNR biologists' field work, big-picture project planning, conservation biology. It involves the LEAR system for agricultural land evaluation and area review. It involves watershed management and ecological criteria, including examination of natural heritage issues. All the things that you would expect to go into an exercise like this have gone into it. So if he's suggesting that somehow there's voodoo science, number one, he's totally off base, and number two, it's the same science he used when he was in office doing the Oak Ridges moraine. I didn't hear him talking about voodoo science then.

**Mr. Klees:** I commend Mr. Hudak for bringing this forward. He set out the rationale. I want to support him in this.

I want, Mr. Duguid, to point out that there is a significant difference between what his government is proposing here with the greenbelt and what in fact was done with the Oak Ridges moraine. I, for one, as a member of the former government, have no hesitation, by the way, to say that we didn't get it all right. As rational people sitting around a table and having the responsibility of making laws, particularly legislation that affects property rights, I think for us to run and hide because of an act or a piece of legislation that was put in place three years ago is wrong.

Here's the difference, Mr. Duguid: You're absolutely right that this wasn't a step that was taken when the Oak Ridges moraine legislation was enacted. In retrospect, it was wrong. Landowners whose properties are affected by



legislation or by zoning surely have a right to know, and there were too many people for whom, when it came to the time of actually placing their property up for sale, that was the first time they came to know about the restrictions of the Oak Ridges moraine act. That's wrong, and I'm not going to defend the previous government and my role in it for having made that happen in Ontario.

Let me tell Mr. Duguid also that that was the very reason why I, as a member of the former cabinet, advocated with the then Minister of Municipal Affairs that we should implement an appeal mechanism in the Oak Ridges moraine legislation. Staff will know that a good deal of work was under process to establish that appeal mechanism, which would have allowed property owners to come forward if they disagreed with the boundaries, if they disagreed with the designation even within the Oak Ridges moraine, and present their rationale, their justification for asking for a reconsideration.

Now, we have the government today bringing forward what is a very broad brush, including the Oak Ridges moraine but going far beyond it in many cases. We don't know where the final delineation is going to be relative to the property that will be caught by the designation of this greenbelt, and this government is refusing to put in place—although we'll try again later, Chair, with a further amendment, to appeal to the government to put in place an appeal mechanism. But so far, the indication from this government is that they're not prepared to put in place an appeal mechanism. At the very least, we're saying that property owners should at least be notified that this government is taking away their property rights; is essentially, by legislation, when this act is passed and when those final delineations have been made, taking away the right that heretofore property owners have had to at least appeal, to apply for a rezoning of their land. At the very least, this government owes it to property owners to let them know that that is what they're doing to them.

For that reason, I think this is a reasonable amendment. I would hope that members of the government, at least one of the five who are sitting here, will see the good sense of this.

**Ms. Churley:** I feel like I'm Alice in Wonderland and Through the Looking Glass here. This is truly bizarre. This is one of the few times I was going to tell the Tories that I thought what they did was the right thing in their policy around the Oak Ridges moraine. And Mr. Klees is sitting here saying, "Oh, we made a mistake on that one." Heavens.

**Mr. Klees:** Where goes your speech?

**Ms. Churley:** No, I know what I want to say to this. What strange twists and turns we're taking here. You did do the right thing on that, and I do agree with notifying those included; I think that's critical. But in terms of the kinds of appeals you're talking about, the reason why you did the right thing on the Oak Ridges moraine and what needs to be done here, is—just think about it. I'm sure that was a justification for the Oak Ridges moraine as well. Appealing designations—because that's what

you're talking about—could tie up the land for years. Developers have big bucks. That's why you didn't want to allow that to happen on the Oak Ridges moraine, because once you get into the appeal of designation, then you are not going to have a greenbelt that we can depend on. It's a fixed greenbelt—which I'm going to be dealing with, by the way, in my next amendment, which ties in to some extent with this. But you can't go there.

I understand what you're saying in terms of trying to find ways to help and defend landowners in this, but for the common good and the basic fact that we all agree that we need to protect some green land, we've got to have some certainty. You can't have it just tied up with people and developers with big bucks tying up land for years, and land being moved out and land being moved in. It will not work; it's clear and simple. So there's a reason, Frank, why you did it in the Oak Ridges moraine; there's a reason why it has to be done here.

I think you would agree with me that we need certainty. If you allow this kind of thing to happen, you will not have certainties. Developers won't know what's going on. Farmers won't know what's going on. Pieces of land will be moved all over the place all the time. It just doesn't make sense. I would like to support notifying those included—that's important—but I can't support allowing this kind of appeal to happen.

**Mr. Klees:** With regard to the issue of certainty, absolutely: There needs to be certainty. But there needs to be certainty about the appropriate land. There needs to be certainty about whether it is justifiable to have a particular parcel of land included in the designation.

We already have heard from the government that, in developing their draft plan, it is very imperfect. In fact, Ms. Mossop pointed out that it was never intended to be anything but a draft, which means that you can include whatever you want and it's just for purposes of discussion. That's fair. I'd also suggest to you that, as the final plan comes forward—I think by March 9, I was told—there will still be imperfections.

1430

It's for that reason that I believe it's appropriate to have an appeal mechanism. It's even more important that people who may have no idea that their property would be included in the greenbelt would at least be alerted to the fact that they are and, if inappropriately so by error of the government, that there be a mechanism to appeal that. That's fundamental to property rights. This government, through this legislation, is undermining what perceived property rights there are in this province.

**Mr. Hudak:** I appreciate my colleague's points. Mr. Klees and I, out of the motivation of fairness, think it's very fair. I would have thought you would have notified landowners in some shape or fashion. Sure, those who follow newspapers and those who are actively involved in the OFA or a commodity group may have found out about it because of the media attention, but a lot of folks who may not have had that opportunity probably don't know how their land is being impacted.

With respect to the science—Mr. Duguid was talking about the term "voodoo science." I don't know what kind



of science, nor have I heard today, would justify cutting the Beverly Marsh or the Holland Marsh in half, or what kind of science would have farmers trying to grow tender fruit in a cemetery or a landfill, or what kind of science would require that a junkyard be part of the greenbelt when it could be rehabilitated as a brownfield. So whether you call it voodoo science or whatever, there are questionable science, questionable decisions and a huge number of problems with the plan.

You were talking about 2,200 submissions. Some will be specific and others will be general, but most of the ones we've seen here will raise at least one concern. So at a very modest expectation of one concern per submission, that tells me there are potentially 2,200 or more problems with the greenbelt.

I think it's very fair to suggest that there should be a notification provision. I suggest that it's very fair to say that it should be based on science and that folks should know the science behind it. I think it is absolutely unfair that they would be required to go through an FOI process that could cost up to \$1,400, as has been proposed to me. Worse still, I think there'd be data in May at best, long after the door closes on March 9 or whatever date the government chooses.

Second, I do appreciate that the province has given me a box containing some information—I requested that formally of the minister, which I had the authority to do. Not every landowner in the greenbelt area will have that ability to ask the minister for the science on the property and get it.

I do still have grave concerns, too, about what was given to me, a lot of it simply guidelines. Some of it is interesting—in terms of the urban strategies, the study on land use intensification and such; part of the urban growth study—but other parts are, quite frankly, unsatisfactory.

Mr. Duguid referenced the importance of LEAR. We have many farmers here in the audience today. If I understand, LEAR is supposed to evaluate the type of soil, the type of land and the economic aspects surrounding a particular farm: Is it in a cluster, is it close to supply, what kind of land is around it? But that LEAR information, those studies about individual pieces of property, are not currently available, as far as I know. Maybe I have to pay \$1,400 to get them; they're not available.

You did provide me with one. I appreciated that I had at least one of these LEAR studies, but unfortunately, in the box that the parliamentary assistant gave me, it's for the regional municipality of Ottawa-Carleton. So: interesting, but not particularly helpful for this hearing. It would be much more helpful if the LEAR studies for Peel, Halton, Durham, Niagara, Wellington etc. were in that box instead of Ottawa-Carleton.

I do fear that if that charge is put out there of \$1,400 for an FOI, that means the government has something to hide about the lack of science behind this. Why aren't the LEAR studies available? I'm not the only one. There are other groups who have had to go through the FOI process

to try to get that information. So I do have grave concerns.

Another example. This is a great report that was given to me: the MNR habitat guide for 2000, the Significant Wildlife Habitat Technical Guide. It's very interesting, and it talks about particular animals, one that is near and dear to me, Fowler's toad. I've been given special responsibility for Environmental Defence to look out for Fowler's toad, which, by the way, is in Marcy's Woods, in my area. We've been working with the ministry to ensure it stays protected.

So it talks about Fowler's toad, and Fowler's toad likes to live in sandy areas along the shoreline, but it doesn't say where in the greenbelt Fowler's toad may be. So we have guides, but we don't have the actual application, the science that says these particular habitats are sensitive for these very reasons. The eastern hognose snake is another one found in Marcy's Woods, but we don't know if they're in the greenbelt area. Even the so-called science I was given is unsatisfactory, and I regret that we've had to go through the FOI process to try to obtain the rest of it.

I know this is an amendment with many pieces. If my colleagues opposite find parts that they do support, I'd be glad to split the amendment and vote on those particular motions. I think all the principles should pass, but if they had some question about their ability to do so, even a notice provision or something would be helpful. So I'll leave it in their hands, if there are even aspects of this motion that they will support.

**Mr. Duguid:** I think if we're going to vote on this, I'll just hold my comments for now.

**The Chair:** I have no other speakers. Mr. Duguid, did you have a change of heart?

**Mr. Duguid:** We'll see.

**The Chair:** OK.

**Mr. Hudak:** The motion before us has a number of parts: (1) the scientific basis, which I believe, as I said, should be publicly available; (2) the notice to landowners; and (3) what the notice would contain. If the government members don't like all three, is there even one aspect that they would support so we can at least get one of the motions brought forward? I know my colleague Ms. Churley is sympathetic on some sort of motion provision. So can we at least find something in here that you do support?

**The Chair:** I have no other speakers on this.

**Mr. Hudak:** If I could, to the parliamentary assistant of municipal affairs and housing, does the parliamentary assistant support (2.1), "scientific basis for greenbelt area," that would ask that the science behind this be tabled with the Legislative Assembly and therefore be made public?

**Mr. Duguid:** Let me respond to that question this way: There has been, as I've said in the past, ample consultation on these matters. We have had consultation both in public meetings and we've had consultation here in legislative committee meetings. Our staff have had the opportunity to meet with a number of the people who are



involved in these matters. There has been no issue that's been brought forward to us that hasn't been given complete and appropriate discussion, complete and appropriate consideration, and that's continuing.

So, no, we will not support any of the provisions in here, because we feel that the process that we've taken has been more than adequate and, in fact, all concerns that have been expressed have been considered using the best science available. Thank you.

**Mr. Hudak:** Chair, if I could just—

**The Chair:** Actually, I have three other speakers. Would you like to hear from them? This has just caused a flurry of people to add themselves.

**Ms. Mossop:** I understand the intent behind this, and I think it's a good intent. However, I've been really, really, really involved in this process for the last year, and my experience has been that there has been an unprecedented public consultation that's taken place.

I've been in contact with so many people who may be affected by this in my riding, and I've been working with them, having consultations with them in my office. We had the public consultations in Stoney Creek, accepting letters, encouraging them to write, discussing their ideas. There were several hundred people at the public consultation.

It was followed up by the public hearings in Grimsby, where we had submissions. I've had the minister's staff come down to my riding, and I've physically driven the minister's staff and OMAF staff around some areas where there are some concerns, where the draft map should probably be changed, where it needs to be tightened up here or there.

1440

The minister himself has been down, and we've gotten into a car and physically driven all over. He's met with people personally in my riding and he's invited municipal leaders and stakeholders to his office to talk about this. I just think the minister is a really, really busy guy and if he and this government weren't really, really serious about listening, we wouldn't be wasting all this time driving around looking at things, talking to people, listening, listening, listening to people and inviting their input on this.

As Ms. Churley has already pointed out, if you open up another avenue, this could go on forever and ever and ever and ever and you'll never have a greenbelt. Quite frankly, if we don't get on with it, the indiscriminate paving over of the Golden Horseshoe will go on and there will be no more land to save and there will be no more land to farm and thus no need even for a farmer. So at some point we have to understand that the process we're going through now is valid, it's thorough. I have faith in this process. As I say, I've been involved with it thoroughly.

I've never really, in government, in watching it, seen such an outreach to the community to discuss such an important issue. It's an important piece of legislation, it's an important initiative. This government wants to see that it's done well and properly, and this government is really

doing due diligence on this. To add another layer, as Ms. Churley said, this could just go on forever and you'll have nothing left.

**Mr. Klees:** I'm impressed with Ms. Mossop's ability to get the minister to come to her riding, to get in a car and to travel around and take a personal interest in all of the concerns that her constituents have with regard to the mapping. I'm very pleased to hear that the minister has responded. Unfortunately, I'm not in the same position. I am looking forward—in fact, I have many letters on file from my constituents complaining to me that they have written to the minister, didn't hear back from the minister. Their appeals were not heard. They weren't treated in the same way as Ms. Mossop was treated. I'm wondering if we can have an undertaking that before this plan is brought to the Legislature the minister will in fact make himself available to every riding in this province in the same way that he's made himself available to Ms. Mossop. I wonder if I can have that on the record so that we can go back to our constituents and assure them of equal treatment by the minister in the same way that obviously he's been able to accommodate members of his caucus. Can I have that confirmation?

**Mr. Duguid:** I can tell you that what you can have is the comfort of knowing that this minister has consulted more vigorously on this particular legislation than any previous minister from any previous government ever thought of undertaking. He's gotten out of his office, he's gotten out to the areas that are impacted by the greenbelt, and I think he should be given full marks for doing so.

We've received a lot of positive feedback throughout the Golden Horseshoe on the fact that the minister has been very accessible to a number of different individuals. If I was an MPP and I had a constituent tell me they haven't had a response from a minister on a file as important as this, I think I would have brought that forward to the minister. I can't say the member has not done that, but I would certainly suggest that if he has a constituent who has not received a response from the minister's office, that he let us know who that constituent is and we'll certainly follow that up.

That being said, I also would add that prior to the break, Mr. Klees indicated—and I find it kind of strange. He's talking now about a motion regarding concern about information going out to people, yet before lunch he expressed concern about our making the draft plan public and the impact on property values when we did that. You can't have it both ways. We're an open, transparent government. We believe in not doing things behind closed doors, and that's exactly why the draft plan was made public. So on the one hand, you can't suggest that we should be concerned about making a draft plan public, and on the other hand be talking about trying to provide all kinds of information that's probably impractical to gather together and send out anyway to individuals. It's trying to have it both ways.

**The Chair:** Mr. Klees, did you have a follow-up question?

**Mr. Klees:** I certainly do.



I did not express any concern, Mr. Duguid, about the draft plan having been made public, and I think the record will show that if you look at it carefully. What I did express was the fact that when you made it public there was significant impact throughout the area of the greenbelt. That's the point I was making.

With regard to the actions of the minister, I tell you, Chair, I'm concerned about the revelation I've just had from Ms. Mossop here that clearly her constituents were dealt with in a preferential way to mine. I have a list of constituents that I will forward to the minister's office with a request that he take the same amount of time to visit with my constituents as he did with constituents in Ms. Mossop's riding. I'm hoping I'll be able to report to my constituents that they will have a meeting with the minister so they can discuss their concerns with the mapping and the rationale for being included.

I'd like to just follow up with the parliamentary assistant and get a sense of whether he has information, at least approximately, about the number of property owners in the greenbelt area who are going to be affected. Do you have any sense, Parliamentary Assistant, of the number of property owners who will be affected by this legislation?

**Mr. Duguid:** No. In fact, at this point in time, I would suggest we're not looking at changing any zoning of anybody's properties. The question of the degree to which landowners could be affected by this is something that is yet to be fully determined. We haven't even come forward with the plan yet, let alone having an idea whether any landowners will ultimately be affected by this. I would suggest that it's premature, at least until the draft plan is no longer a draft and is an actual plan, to know for sure if landowners will indeed be impacted.

**Mr. Klees:** I find this bizarre, that the parliamentary assistant, after everything he's heard throughout the course of the hearings, would say publicly on the record that he isn't certain that any landowner would be affected by the proposed legislation. Perhaps the parliamentary assistant misspoke himself, in which case I'm pleased to give him an opportunity to clarify for the record, but surely the parliamentary assistant understands the impact of the legislation before us today. Whether they be farmers, who before this legislation would have had an opportunity to sell some of their land or at least take it forward for consideration for rezoning—does the parliamentary assistant not understand that the impact of this legislation will be such that those property owners who are caught by the greenbelt will be precluded from even bringing forward an application for rezoning of their property? Does the parliamentary assistant understand that, yes or no?

1450

**Mr. Duguid:** I recall the member indicating that he didn't want to defend his record or the record of his government on the Oak Ridges moraine, and I don't blame him for not wanting to defend that. I don't blame them for not wanting to defend their record on anything when it comes to the environment, whether it be

Walkerton, whether it be tainted meat, whether it be their lack of action to protect our air or water. At the same time, I think that when we're dealing with things like property owners, we're sensitive to the concerns we've heard. We've listened closely to the concerns being raised. At the same time, we're dealing with a draft plan. We will have the plan in place. Decisions will be made in very short order, and the plan will be in place.

There is no intention on the part of this government to rezone anybody's land or to disallow uses they currently have on those particular properties that are legal uses. In terms of changing zoning, in terms of reducing the ability of people who currently have land zoned appropriately to use that land, there should not be an impact. In fact, we're not aware of any impact on those particular properties.

**Mr. Klees:** Madam Chair—

**The Chair:** Mr. Klees, can I ask you to please focus on the motion that's in front of us? I sense we're kind of drifting away from that, and I have three other speakers on my list who I believe want to speak to the motion.

**Mr. Klees:** Madame Chair, the amendment before us speaks to providing information to landowners, informing the person of his or her right to appeal under subsection (2.2), and that is precisely what I am discussing. It concerns me because there may be something in this legislation that I have misread. If that's the case, I need some clarification here. I'm going to ask the parliamentary assistant: If and when this legislation is passed, does it or does it not preclude someone who is caught in the greenbelt area from coming forward and making an application for rezoning of their property?

**Mr. Duguid:** What the member, Mr. Klees, is referring to is the ability of property owners to change the use of their land. He's correct: There will be parts of the greenbelt that will not be open for redevelopment. That is not to suggest that they may have been open for redevelopment in the first place. There is no application in front of anybody in terms of redeveloping these lands. So it's lands that are environmentally sensitive; it's agricultural lands that are much needed to preserve.

If the member is suggesting for a minute that the government side should be backing off or watering down the greenbelt to allow property owners to take prime farmland and turn it into subdivisions, well, this government side is not going to water down this legislation. Plain and simple: We're committed to a permanent greenbelt. We've made that commitment clear. Unlike the side opposite, which appeared to be committed to it in the beginning but now is making every attempt to try to water it down, we're not going to go there.

**Mr. Klees:** With respect to the amendment before us, it is simply calling for the government to inform the person of his or her right to appeal the designation of the greenbelt, which now the parliamentary assistant—thank you very much, sir—admits does in fact affect property owners. There are people sitting here in this hearing today who have hundreds and thousands of acres of land, who before the greenbelt legislation comes into effect



have the opportunity to come forward to their municipality and make an application for rezoning. Those same people who are sitting here today, once this legislation is passed, will be precluded the right to do so. If that isn't affecting them in a serious way, I don't know what is.

What we're simply asking is, is it not appropriate that the government advise those who are not as informed of this process that they have been substantially affected by the implementation of this greenbelt?

I'm going to ask the parliamentary assistant: Despite the 2,200 submissions that you've had and despite all of the people who have been consulted, is it possible that there are still hundreds and thousands of property owners who will be caught by this greenbelt legislation, who have no idea about the impact on their property? Would you admit, Mr. Duguid, that that is a possibility?

**Mr. Duguid:** After 15 months of consultation, after hearings held right across the Golden Horseshoe, after thousands of individuals providing presentations to committee hearings, presentations to public meetings, presentations directly to the minister, after countless articles in local newspapers, I would find it very difficult to believe that there are hundreds of people in the greenbelt area and in the greater Golden Horseshoe who do not know that we are moving forward with a greenbelt. I would find that very difficult to believe.

**The Chair:** I have three other speakers, if you would like to come back on, or are you still on the same issue? You still have the floor, Mr. Klees.

**Mr. Klees:** I would like to finish my train of thought here with the parliamentary assistant, because I know him to be a very reasonable person. I ask him, just for a minute, to step outside of the role, if he would, and identify with the average property owner in the province of Ontario today.

There are many people, Mr. Duguid, and you know this, who aren't tuned in to what is happening in this hearing, who aren't tuned in to the hearings that have taken place, who simply go to work every day, pay their bills, pay their taxes, pay their mortgage on their property, and they don't know what the impact of this is.

I'm trying to understand why you as the parliamentary assistant would not want to give property owners in this province the right to know what the government of the day is doing to them by imposing this greenbelt legislation and by taking away their property rights that they had before the day that your government brings forward this legislation.

I would just like the parliamentary assistant, for the record, to give me an explanation for that.

**Mr. Duguid:** I'll do better than that. The member has asked me to remove myself from my position and put myself in the place of the average property owner in the greenbelt. I'd like to put myself in the place of the average citizen or resident in this province who believes that we need to curb urban sprawl, believes that we need to preserve agricultural lands, believes that we need to ensure our natural heritage and protect our natural heritage areas. That's what we're doing.

It's obvious to me that the members opposite are committed, and I give them full credit, to standing up for the private interests involved in these particular matters. We respect that there are private interests involved; we respect that there are landowners who could potentially be impacted by what we're doing. We're not aware of the severity of those impacts, and a lot of it may well depend on what their expectations were for how much they could have up-zoned their lands. Many of those expectations may or may not have been realistic.

But I can tell you what we are here standing for; we're standing for the interests of the residents of Ontario, and we're going to stand strong to ensure that this is a permanent greenbelt and that, despite the efforts of the members opposite, it will not be watered down.

**Mr. Klees:** The parliamentary assistant has made it very clear that he and his government are prepared to sacrifice the rights of individuals without regard to the financial implications to them and to their families, because of something out there that he refers to as "the rights of the citizens of Ontario." We're simply trying to make the point that I believe it's possible to be environmentally responsible and at the same time stand up for the rights of individuals and property rights in the province.

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But we've heard the message loudly and clearly today. I think it's unfortunate. It doesn't have to be that way. Through this amendment, we were simply asking for individuals to be informed. Now we have a government saying, "We don't care about the individual. We don't care about property rights. We don't care about the financial implications. We're going to do what we think is somehow in the greater good, and let us define that." I think it's wrong; I believe there will be consequences to this government when individuals by the hundreds and by the thousands begin to understand what is being done to them.

**Mr. Hudak:** On the subject of notice, has there been any notice whatsoever given out? Was there a mass mailing, for example, to the people in the greenbelt area, or none whatsoever, just through—

**The Chair:** Who is your question to? Are you asking staff?

**Mr. Hudak:** I'm sorry, Chair. It's to anybody who can answer that, whether it's the parliamentary assistant or staff.

**The Chair:** I think the staff would probably be happy to answer that question about notification with regard to the greenbelt. What notification was given?

**Mr. Hudak:** Has there been a mass mailing in the area? How would people have found out—individual landowners—if they're impacted by the greenbelt?

**Ms. Konyi:** In terms of the consultation on the greenbelt, or notification, it was done in a variety of ways, Mr. Hudak.

First of all, there were postings on the Environmental Bill of Rights registry for both the proposed Bill 135 and the draft greenbelt plan. There has been a government



Web site, as well as the government of Ontario Web site, as well as the Ministry of Municipal Affairs and Housing Web site, which has a greenbelt link. On that Web site there are all of the draft maps, so there are geographic areas. I think you're familiar with those maps. There was a Web-based survey that was put up. People could sign up on-line and inform themselves and express their views on the greenbelt.

We also have the general correspondence that comes in. There are a lot of letters to the minister on that.

There was a Greenbelt Task Force that was put in place last February that also preceded the formal consultation that staff did on the greenbelt, which was just, first and foremost, to put the idea out there about a greenbelt and solicit responses from the public and stakeholders. There were stakeholder workshops during the daytime. There were eight of those meetings, and then in the evenings they were open to public debate, and members of the public came in. Those were highly attended sessions where a number of people—and they were across the greenbelt area. Originally, it was the greenbelt study area that was defined in Bill 27, which was the Greenbelt Protection Act. Then once the draft plan was released in October last year, during November there was a series of eight stakeholder workshops during the daytime, spread throughout the greenbelt area, and in the evenings, again, the public consultations where deputations were made.

In addition to that, there were meetings with all of the municipalities on the greenbelt; both the minister met with staff and staff went out and met. There were meetings with the different conservation authorities and various other organizations. There were notices in the newspaper—general circulation papers as well as the local newspapers—for every one of those public meetings.

I think I've gone through a fair bit of what the consultation entailed.

**Mr. Hudak:** Yes, and I appreciate the response. I know how hard the Ministry of Municipal Affairs staff have been working on this. I know the minister has been down our way.

The point simply is, despite that, I'm confident there are a significant number of people who are not aware (a) that they may be in the greenbelt area, or (b) what the impact may or may not be on their property as a result.

At the public hearings I attended in St. Catharines, there were probably about 700 people; in Caledon, probably a similar number. These were some of the most heated meetings I've ever been to: a lot of emotion in the room, a lot of upset with the plan. I know the parliamentary assistants were there. I think we should be clear that was not any kind of appeal. People mostly spoke in a general sense; there was no back-and-forth from staff on the scientific basis of a particular property, for example.

I do feel it's fair to make sure that every landowner impacted is notified. In fact, the parliamentary assistant referenced the Oak Ridges moraine process. We have from the legislative library, in fact, an outline of the Oak

Ridges Moraine Conservation Act sent to every household within the Oak Ridges moraine in 2001, I believe, at least giving them the information that's available on the moraine: the properties that were impacted, the justification behind it, the science behind it. So at the very least, they would have received this in the mail. If you think I'm asking to put too much in the document, then fine—maybe support a general notice to individual landowners. Most importantly, I am simply asking for the science behind the greenbelt to be tabled with the Legislature within three months of the act receiving royal assent, so that we as MPPs at the very least know the science and can distribute it to our constituents, or they could get it through the Legislative Assembly.

What I want to do is to split the vote on the three different parts of this motion, so I am going to withdraw this particular motion.

I am going to move that section 2 of the bill be amended by adding the following subsection:

“Scientific basis for greenbelt area

“(2.1) Within three months of the day this act receives royal assent, the minister shall prepare a report that documents all scientific studies and principles that were relied on by the government in determining the areas included in the greenbelt area, as set out in subsection (2) and shall submit the report to the Lieutenant Governor in Council and table the report in the Legislative Assembly if it is in session or, if not, at the beginning of the next session.”

**The Chair:** I have three other speakers remaining who were speaking to the complete motion, so I will go through those three to see if they want to speak to the existing motion on the floor. Ms. Matthews, do you want to speak to the motion that's on the floor with regard to the scientific basis for the greenbelt area?

**Ms. Matthews:** I do, because I think this comment will apply whether you cut this in one or two or three. As I look at this, I see it as a not so well masked argument or motion that will delay, defer, wiggle, waffle and water down the intent of this legislation. I think, very clearly, if we were to pass this motion, it would simply have the effect of delaying this almost indefinitely if you had your way.

This is exactly the argument we heard in the submissions from the development and homebuilding industry, exactly the argument we heard from the so-called Greenbelt Coalition, I think better called the anti-greenbelt coalition. It clearly reflects their perspective. It does not reflect mine, mine being that we have to move ahead as quickly as we can to protect this land for future generations.

**Ms. Mossop:** Again, I understand the idea behind this, but for decades now we as a society have been discussing the preservation of agricultural lands and the protection of environmentally sensitive lands. We have been paying lip service to these concepts; we have been talking about cleaner air and smarter growth. Well, the rubber just hit the road, and now we have to get focused and we have to get on with it, because while we were all sitting around



talking and debating and paying lip service to all this, I've watched so much land in my part of the world get paved over completely. We have lost tremendous pockets of tender fruit land. We have to decide at some point that we're going to stop that.

1510

I agree that this motion really is just an attempt to delay, delay, delay, and would allow further indiscriminate paving over of specialty lands that we need for our future. We will need air to breathe, food to eat and clean water to drink for decades to come, and we need to get up in the crow's nest and look out. It's the 11th hour for many lands. It's too late for some, maybe.

I'm surprised and a little concerned about the comments made by Mr. Klees. I find it interesting that a former cabinet minister found it was a revelation that a minister visited a riding. I can only say, if you want him to visit yours, invite him, because that's all I did. And I think we should definitely see those letters tabled, because your constituents deserve an answer.

Yes, there has been heated debate about this. You bet there has been heated debate, because we've opened this up to an unprecedented discussion. People now know that this is the time we're going to get on with it. If people are passionate about that, I think that's a good thing. I think it's a good thing that we have had a forum where we've all been in there listening to the passion that's behind this. I don't run away from passion. I think that's a good thing. I think it's a good thing that we're here, that we're listening to it, and that we're finally, after decades, moving forward and making this thing a reality.

**The Chair:** Ms. Churley?

**Ms. Churley:** I'm interested in moving on, although it's not my motion. A lot of points have been made. I have, and I'm sure others do too, a lot of important amendments I'd like to get through. I certainly have some, as others do, in terms of some of the concerns that the farmers in particular brought forward that, in my view, with or without the greenbelt, we need to be addressing. I'm anxious to move on to those and see if we can get any of those passed.

I do have to say, although it's not my job to defend this what I consider flawed piece of legislation for the government, that the beautiful irony of this is the Tories on consultation. For God's sake, you guys, it's like shooting fish in a barrel. You're just sitting there. Don't you remember the omnibus bill, Bill 20? These guys refused to consult with a whole range of stakeholders and simply consulted with—

*Interjections.*

**Ms. Churley:** I could go on and on, but we don't have time. It's the pot calling the kettle black, or whatever.

At any rate, I think to the general public out there, this, "She said, he said," and all of that, although it's important to make these points politically, after a while might get a little tedious.

As I said before, I would like for us to vote on this, whether it's in parts or as one. I think, from looking at it, I want to support that people be notified. I think that's

fair, but I can't support the other pieces for the reasons I gave previously, which I'll generously not repeat now.

**The Chair:** Are members ready to vote on subsection 2(2.1)? Mr. Hudak?

**Mr. Hudak:** I do want to make sure, procedurally, that I have withdrawn the original motion and put forward the new motion that reads simply as section (2.1) alone.

**The Chair:** That's what I was referring to.

Mr. Duguid, were you asking a procedural question?

**Mr. Duguid:** No. We're happy to move to a vote on this, but just for the record, I want to thank Mr. Hudak for bringing forward the householder, the newsletter that they put forward during their time in government. The only problem was, that newsletter apparently wasn't mailed out until after the decisions were made and after the plan was put forward. So it certainly wasn't a pre-consultation piece of information. I'm not going to say it was partisan government advertising, because I haven't seen it, but certainly it wasn't part of a consultative process leading up to a decision. That's it.

**The Chair:** Mr. Hudak?

**Mr. Hudak:** I would take those words a bit more seriously if they had put anything out to the residents in the area, during consultations or afterwards. You have not ensured that residents in the greenbelt area have received notice and intention of the plan. Hopefully you will support it when we get to that motion.

I do have to say, though, it's regrettable that while the motion on the floor has to do with tabling the science, the members opposite tried to characterize this as there's an army of bulldozers right now ready to go out, and that if we pass this motion, somehow things will fall under this army of bulldozers. They wrap themselves in the green flag, a very cheap form of politics, to avoid the debate on this motion, which is simply to put the science forward. In fact, my motion does say, "within three months of the day the act receives royal assent." I think that's fair. I think it's regrettable that there's a \$1,400 charge for that science.

We are fortunate to have some people who have been here through the hearings—a number of property owners, a number of farmers. While Minister Gerretsen may have gone around in his car in some areas—good for him; I'd welcome him into my Chevy Avalanche to drive around in some of the areas that are concerned: in Lincoln or Pelham, or in St. Catharines. One of the people in the audience says that the mayor of Halton Hills and farmers in the Halton Hills area have been asking directly for the Minister of Municipal Affairs to meet, and that they've been unsuccessful to date. That's just somebody—it's Bert Andrews; he signed his name to the famous Andrews motion from last week—who happens to be here in the audience today, out of the 20 or so people who are with us, most of whom are staff.

So if an individual here has tried to get a meeting and the mayor of his community has tried to get a meeting and it hasn't happened, I really have doubts that an adequate amount of time for appeals to the minister has



happened. I feel that there'll be two classes of land-owners: those who are connected to the government, who'll have their appeal, and everybody else, who'll have none. But I do think that 2.1, the motion before us today, simply tabling the science with the Assembly, is fair, is reasonable and is the right thing to do. I ask for my colleagues to support it.

**The Chair:** I have no more speakers. Are the committee members ready to vote?

**Mr. Hudak:** Recorded vote, Chair.

**The Chair:** A recorded vote is requested on section 2. It's 2.1, "Scientific basis for greenbelt area."

### Ayes

Hudak, Klees.

### Nays

Churley, Duguid, Matthews, Mossop, Rinaldi, Van Bommel.

**The Chair:** I declare the motion lost. Mr. Hudak, are you separating the other two portions?

**Mr. Hudak:** I am, Chair.

**The Chair:** So are you going to be speaking now to 2.2 and reading that first?

**Mr. Hudak:** You bet. I move that section 2 of the bill be amended by adding the following subsection:

"Notice to landowners

"(2.2) Within three months of the day this act receives royal assent, the minister shall notify, by mail, every person who owns land that is part of an area that has been designated as part of the greenbelt area under this act."

Again, this is within three months after the act receives royal assent, to at least give notice to people how they have been impacted so that they can understand it, and if future consideration is given, give an opportunity to speak with the minister or one of the staff about that. I think it's just fair to give that kind of notice, and it is three months after the act receives royal assent.

**Mr. Klees:** In follow-up to Mr. Duguid's comment that the Oak Ridges moraine publication was sent out after the fact, that's precisely what we're asking for here. It's a foregone conclusion, really; it's becoming more and more obvious to us that the government is not listening to concerns expressed by property owners and that they're not prepared to come forward with the science as requested. So at the very least, we're saying that the government should notify affected landowners of the changes that are taking place. I think that's only reasonable, and I think the example that my colleague brought forward, in terms of how the previous government dealt with the Oak Ridges moraine, gives some indication of the kind of notification that can go out and should go out. I think this amendment will achieve that.

**The Chair:** I have no more speakers to the motion.

**Mr. Hudak:** Recorded vote.

**The Chair:** A recorded vote has been requested.

### Ayes

Churley, Hudak, Klees.

### Nays

Matthews, Mossop, Rinaldi, Van Bommel.

**The Chair:** I declare the motion lost. Mr. Hudak, you have the floor on item 2.3.

1520

**Mr. Hudak:** I move that section 2 of the bill be amended by adding the following subsection:

"Same

"(2.3) A notice under subsection (2.2) shall,

"(a) explain the scientific rationale that justifies the inclusion of the area as part of the greenbelt area;

"(b) inform the person of his or her right to appeal, under section 2.2 of this act, the designation of the land as part of the greenbelt area; and

"(c) inform the person of the right to inform the ministry if he or she believes there has been a mapping error and provide an address or other information for doing so."

**The Chair:** Mr. Hudak, it's my understanding that because subsection (2.2) was defeated, I am caused to rule subsection (2.3) out of order.

**Mr. Hudak:** OK. Maybe I'll rephrase, Chair, if I could.

I move that section 2 of the bill be amended by adding the following subsection:

"A notice shall be given out to all residents of the greenbelt area to,

"(a) explain the scientific rationale that justifies the inclusion of the area as part of the greenbelt area;

"(b) inform the person of his or her right to appeal the designation of the land as part of the greenbelt area; and

"(c) inform the person of the right to inform the ministry if he or she believes there has been a mapping error and provide an address or other information for doing so."

Even though we've brought in the heavyweight, Mr. Baird, to oversee the proceedings, given that I've lost subsection (2.2), I'm not optimistic on the new motion on the floor. He did wear his red tie today to be especially persuasive.

**The Chair:** Can you just keep to the motion, please; although we are pleased that Mr. Baird's here.

**Mr. Hudak:** Mr. Baird is a distracting element for the committee. Nonetheless, I do offer it up. Again, this would give notice to individuals in the greenbelt area; make them aware of any opportunity to appeal, which may or may not be through the minister himself; and also provide the scientific basis behind their designation in the greenbelt area. Just making sure that people who are in the greenbelt know why they're in the greenbelt and what it will mean for their property.



**The Chair:** I have no more speakers—oh, Mr. Baird. Are you substituting for somebody else?

**Mr. John R. Baird (Nepean–Carleton):** No.

**The Chair:** I believe if you're—

**Mr. Baird:** You can speak; you just can't vote.

**The Chair:** All right, fine; I'll recognize Mr. Baird.

**Mr. Baird:** Thank you very much, Madam Chair. I've been following these committee hearings, and I hear you're doing a good job. I want to get that on the record.

I just wanted to briefly congratulate my colleague the member for Erie–Lincoln, our party's critic, for his outstanding work on this initiative.

**The Chair:** That was it?

**Mr. Baird:** No, actually that's not it.

**The Chair:** I was kind of hoping that was it. If you could speak to the motion on the floor, I'd appreciate it.

**Mr. Baird:** I want to just add the full weight of my office as the member for Nepean–Carleton that I'm in support of this amendment.

**The Chair:** Thank you. There being no other speakers on this issue—

**Ms. Churley:** Chair, I'm calling on somebody from my caucus to come in and congratulate me on my fine work. Anybody out there?

**The Chair:** Thank you.

**Ms. Churley:** I think I'll call the question.

**Mr. Hudak:** Recorded vote, Chair.

**The Chair:** A recorded vote has been requested.

#### Ayes

Hudak, Klees.

#### Nays

Matthews, Mossop, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

Our next item is the NDP motion.

**Ms. Churley:** I move that section 2 of the bill be amended by adding the following subsection:

“Limitation

“(4) A regulation made under clause (1)(b) shall not amend the designation if the amendment would result in the removal of lands from the greenbelt area.”

This is very clear and very simple. Actually, I think we realized a bit of a bombshell yesterday, when it became very clear, after listening to Mr. Duguid after a scrum and after revisiting the act, that there is no permanent greenbelt, as the act is now written. It's what I refer to as a floating greenbelt. As I said yesterday, there ain't no magic in this floating greenbelt. I hope it's an oversight and can be corrected today because, as it's written, the greenbelt boundaries are not permanent. They can be moved around by amendment as long as the “total land area of the greenbelt remains the same.”

What the Greenbelt Task Force recommended—and I come back to them again—is the establishment of a permanent greenbelt. Instead, what we have—and this is

from the act: “The minister shall not recommend a proposed amendment ... if the proposed amendment has the effect of reducing the total land area within the greenbelt plan.” That's subsection 13(7). It doesn't take a rocket scientist to figure out what this means. It allows for the potential substitution of lands and measuring the greenbelt by total land area instead of permanent boundaries, which is what the people of Ontario believe they're getting here. Even though it's not adequate in terms of the land mass, they believe at least what they're getting today is permanent, but because of the wording it's problematic. They will not be getting that.

Mr. Duguid had to step out, I guess. But I want to say clearly that he said again and again today—where did I put the quotes?—“We are committed to a permanent greenbelt, unlike the Tories.” That's been said time and time again. The way the wording is now it is not a permanent greenbelt. Once established, this amendment does not hinder the minister from adding lands to the greenbelt, but it would allow the minister to amend the greenbelt plan to remove lands from the proposed greenbelt area, period. It is really key that we fix that. I've got to tell you, if we don't fix it—I've said that if we don't add lands that I mentioned earlier, the greenbelt will be inadequate in terms of the proposed desire of the government to create a greenbelt. But if this is not fixed, it's not even going to be permanent.

Mr. Duguid, I referred to you. You had to momentarily leave. You kept saying today, “We are committed to a permanent greenbelt, unlike the Tories” over and over again, but yesterday you said very clearly that—and as I put it—this would be a floating greenbelt if this amendment isn't accepted today, that you will have a floating greenbelt, not a permanent greenbelt. It's really very critical, and let me give you an example why. I'll paint the picture.

If you have a piece of land maybe right on the edge of the greenbelt—these things have been known to happen—and a developer with big bucks thinks they would perhaps like to develop that land, and you know there's an election going on, big bucks are given to leader X or MPP X with a wink and a nod or, you know, once you get elected, as long as you don't reduce the land mass, you can just substitute this piece of land here for another piece of land over here. That's a worst-case scenario, but in fact it could happen. But because you won't have permanent boundaries, again, there will be no certainty and people will not be able to depend on this greenbelt being permanent.

I hope people will support this amendment, particularly the Liberals, for that reason, because I know they want to have a permanent greenbelt, because they keep saying that.

**The Chair:** No further debate. Are members ready to vote?

**Ms. Churley:** Could I have it recorded, please?

**The Chair:** A recorded vote has been requested.



**Ayes**

Churley.

**Nays**

Duguid, Klees, Matthews, Mossop, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

I gather there's a new motion, 6a, from the government side.

**Ms. Mossop:** I move that section 2 of the bill be amended by adding the following subsection:

"Limitation

"(4) A regulation made under clause (1)(b) shall not amend the designation if the amendment has the effect of reducing the total land area within the greenbelt area."

**The Chair:** Ms. Mossop, you have the floor, speaking to the motion.

**Ms. Mossop:** I would defer to the parliamentary assistant.

**Mrs. Van Bommel:** This motion is intended to clarify the exact issue that Ms. Churley has been addressing, which is the issue of the land mass. We want to make it very clear that there will be no net loss of lands in the greenbelt area.

1530

**Mr. Klees:** As I understand it, this is effectively the government's appeal mechanism. While they opposed the previous amendment that would have provided an appeal mechanism, they have in fact included this section, and effectively cabinet is the appeal, because designations under the greenbelt area can be adjusted, be amended, but now it's not an independent body that would hear those appeals; it now is cabinet. As we heard before from Ms. Mossop, her constituents are going to have preferential treatment because the minister will certainly respond to her appeal on behalf of her constituents. They'll have an opportunity to put their case forward; others won't. Unfortunately, constituents in the riding of Oak Ridges, whose letters aren't being responded to, whose calls aren't being returned, won't have the benefit of an appeal mechanism.

I'd like to hear from the parliamentary assistant how this appeal mechanism is going to work. What is the process that then will have to be followed for a property owner, a municipality, or an owner of an aggregate operation to trigger this appeal?

**Mrs. Van Bommel:** I don't even see anything in here that says that this is an appeal mechanism. I think that is an assumption on your part. I don't see anything that says this is an appeal mechanism.

**Mr. Klees:** Wow. Chair, can I read this for the member? It reads: "The Lieutenant Governor in Council may by regulation ... (b) amend a designation made under clause (a)."

If that isn't an appeal mechanism, I don't know what is. What does that mean? In that case, I would like to ask

the parliamentary assistant to clarify what that means. Can cabinet, under this authority, amend a designation or not?

**Mrs. Van Bommel:** I'm going to refer to our legal counsel. We'll get a technical explanation of this.

**Ms. Konyi:** Actually, it's a planning answer, I think.

Mr. Klees, the section you're referring to is section 2 of the bill. The motion on the floor says, "A regulation made under clause (1)(b)," and (1)(b) of section 2 reads that you can amend a designation made under clause (a). So there is in the regulation-making power the ability to amend the regulation.

**Mr. Klees:** Would you clarify for me, so that I understand: If in fact the boundaries are set by March 9, we now have the definitive boundaries of the greenbelt, once the regulation is in place?

**Ms. Konyi:** Once the regulation is put in place.

**Mr. Klees:** Right. We then will have the designation. Under this authority, cabinet will have the authority to revisit the designation of the greenbelt and make a change to it. Yes or no?

**Ms. Konyi:** Under that authority, yes, you will have the ability. Once the Lieutenant Governor in Council regulation is put in place, there is the ability, at a future date in time, to amend a designation made under clause (a), yes.

**Mr. Klees:** So if that isn't an appeal mechanism, I don't know what is.

**Ms. Konyi:** May I add one point, Mr. Klees? The motion that's on the floor would state not only that you can amend a designation under clause (a); through the motion to change clause (1)(b), you "shall not amend the designation if the amendment has the effect of reducing the total land area within the greenbelt area."

**Mr. Klees:** I understand that.

**Ms. Konyi:** There's a restriction placed on that.

**Mr. Klees:** So here's an example. Let me just try to understand this practically. We end up with a plan as of March 9, and my property is included in the greenbelt. Right? I can't develop it because of that. I appeal to cabinet, my favourite cabinet minister. I go to his fundraising event and I have a discussion. I have an opportunity to sit with him and his learned staff, and I put my appeal forward and give him or her the justification of why I don't believe this property should be included in the greenbelt, but, you know, I have another piece of property that has the same, or perhaps even more, acreage to it, and I propose that cabinet, under this authority, take my 2,000 acres out of the greenbelt and replace it with the 2,000 acres that I don't need. We therefore comply with the amendment that's before us.

**Ms. Konyi:** May I clarify? There is actually more than one part to that answer. I would suggest that in order to initiate any sort of amendment to a Lieutenant Governor in Council regulation, the process would probably begin with a letter to or some meetings with the Minister of Municipal Affairs and Housing, who would initiate the amendment process for the regulation. But there is a public process that is involved. I would suggest that



you'd also have to look at the plan in terms of section 12, I believe, because you can not just amend the greenbelt boundary regulation; I would suggest that if you're talking about the outer boundary, you would also have to amend the greenbelt plan. Therefore, there is a whole public process that is involved in that. Not only is there the regulation-making process that would include, at a minimum, a posting on the Environmental Bill of Rights registry; there would be some public consultation. You would also, through the plan process—first you'd have to pass the first threshold: Would it make sense to amend the greenbelt plan based on whatever policies happen to be in place for the final greenbelt plan? Then the Minister of Municipal Affairs and Housing would initiate an amendment to the plan. He—or she, as the case may be—could, in fact, solicit the advice of a hearing officer. He could go off on a whole stream of public consultation and deputation through that process and go back and make a recommendation to the Lieutenant Governor in Council to actually amend the plan, as well as the boundary. So I think there are a couple of checks and balances in that process.

**Mr. Klees:** Sure, and I thank you for that. So the bottom line is that the greenbelt can be amended. For properties that are today or will be as of March 9 included in the greenbelt, a property owner can make an application to the minister, and this gives the minister the authority to then initiate the withdrawal of certain parcels of land from the greenbelt, as long as some other parcel, subject to this amendment being passed, is replaced and you retain that entire land mass.

**Ms. Konyi:** You could not have the effect of reducing the total land area of the greenbelt.

**Mr. Klees:** But you can have the effect, under the authority in this legislation—

**Ms. Konyi:** That's with the motion.

**Mr. Klees:** —of having cabinet make the decision to amend the act to withdraw certain parcels of land, if it so pleases cabinet to do so, subject to the process that you've outlined.

1540

**Ms. Konyi:** Yes, through a fairly rigorous consultation and process.

**Mr. Klees:** Chair, I find it quite cute, actually, that when I asked the question of whether this was effectively a tool for appealing a designation, the parliamentary assistant couldn't answer that, didn't think that that was really an appeal mechanism. Well, for the record, let's be clear we have that. The appeal mechanism is not in fact to a third-party tribunal, as was previously proposed. The appeal mechanism really is to a cabinet minister, and the decision will effectively be made by cabinet.

**Ms. Konyi:** With a very rigorous process.

**Mr. Klees:** So as long as we're open with people—it's scary, I have to tell you. I'm concerned about it because I believe, as I've said before here, there should be an appeal mechanism, but it certainly should not be made by cabinet. It's the wrong place. These are not political

decisions that should be made, because someone is going to be left out of the play here.

I can suggest to you that this is going to spell trouble for the government. Someone will make a wrong decision here. Someone will find out—and maybe sooner than later—that the boundary has been changed. Someone will find out that one person's parcel of land all of a sudden is no longer there, that Mr. Smith's parcel of land has successfully appealed, that that land now is in a process triggered by the minister because he or she felt it was the right thing to do, and thousands of property owners across the province are left out because they don't even know where to start on this appeal, as opposed to having a public process that was previously put forward to the committee that lets everyone know; it's a level playing field. You want to appeal? Come forward: Here's the tribunal, here's the process, and it's available to everyone.

I think it's a disgrace.

**Ms. Churley:** This is quite incredible. Talk about another sleight of hand. I talked about the floating greenbelt, but this is conceptually very different from my amendment which was just voted down. I really do see this as a sleight of hand to get around the fact that you couldn't support my amendment that says very clearly, "Shall not amend the designation if the amendment would result in the removal of lands from the greenbelt area." The fact that you couldn't support that is telling in itself, because what this one says is, "Shall not amend the designation if the amendment has the effect of reducing the total land area within the greenbelt area," which is exactly what I'm complaining that within the act you can do. Under the proposed legislation—and this doesn't fix it—the boundaries are still not permanent. They can be moved around by ministerial amendment as long as the total land area of the greenbelt does not change.

Nothing's changed. That's the point I made with my amendment. This doesn't fix that, because the wording allows for the potential substitution of lands and the ability to move lands in and out of the greenbelt, which can open it up to political interference and speculation by developers. It's a big loophole that lets the minister change greenbelt boundaries on a whim, and it can change from year to year. Don't you get my point here—I think you do; good—that this does not fix the problem? It is a sleight of hand. You've added something to this section 2 that reinforces what's already in the act that I'm trying to fix. So all you're doing with this amendment is reinforcing what's already in the act that's a problem. I would withdraw it, in fact, because that's already in the act; you're not changing anything and you're not fixing the problem. You still have that loophole. You still have the floating greenbelt. I just think this is going to look really silly in there, given that it doesn't resolve the problem. Unless you're going to do an amendment similar to mine or go back to mine and redo that one with unanimous consent, this does nothing. I can't support it, obviously, and I would suggest that it be withdrawn. It's not clear thinking.



**The Chair:** Any further debate? Seeing none—

**Ms. Churley:** Can we have a recorded vote on this?

**The Chair:** Sure.

### Ayes

Duguid, Matthews, Mossop, Rinaldi, Van Bommel.

### Nays

Churley, Hudak, Klees.

**The Chair:** I declare that motion carried. We're at the end of section 2. Shall section 2, as amended, carry? That's carried.

Sections 2.1 and 2.2; Mr. Hudak.

**Mr. Hudak:** I've got a bit of reading to do.

I move that the bill be amended by adding the following sections:

"Tribunal established

"2.1(1) There is hereby established a tribunal to be known as the greenbelt area appeal tribunal.

"Appointment

"(2) The Lieutenant Governor in Council may, on the recommendation of the minister, appoint members to the tribunal and designate their term of appointment.

"Remuneration and expenses

"(3) Each member of the tribunal, other than a full-time member, shall receive the remuneration that the Lieutenant Governor in Council determines and reimbursement for the member's reasonable and necessary expenses incurred in attending meetings and in transacting the business of the tribunal.

"Chair and vice-chair

"(4) The minister may appoint one of the members of the tribunal as chair and one or more of the remaining members as vice-chair.

"Same

"(5) Any function, power or duty of the chair of the tribunal under this or any other act, including the Statutory Powers Procedure Act, may, if the chair is absent or unable to act, be exercised by a vice-chair.

"Panels

"(6) The chair may appoint panels composed of members of the tribunal to hear proceedings.

"Presiding member

"(7) The chair or vice-chair who appoints a panel shall designate one of the members of the panel to preside over the proceeding that the panel is assigned to hear.

"Decision of panel

"(8) The decision of a majority of the members of a panel is the tribunal's decision but, if there is no majority, the decision of the presiding member governs.

"Practice and procedure

"(9) The tribunal may, subject to this act and the Statutory Powers Procedure Act, determine its own practice and procedure.

"Appeal

"2.2(1) The following appeals may be made to the tribunal established under section 2.1:

"1. A person who owns land that is part of an area that has been designated under this act or its regulations as part of the greenbelt area may appeal the designation of the land.

"2. A person who owns land that has not been designated as part of the greenbelt area under this act or its regulations and the land is in a municipality that has jurisdiction in the greenbelt area may appeal the non-designation of the land.

"3. A municipality that has jurisdiction in the greenbelt area or that has jurisdiction in an area that abuts the greenbelt area may appeal the designation or non-designation of any portion of the municipality as part of the greenbelt area.

"Notice

"(2) The minister shall ensure that notice of the right to appeal set out in subsection (1) is given in the prescribed manner to every person and municipality described in that subsection.

"Parties to appeal

"(3) The parties to an appeal are,

"(a) the owner of the land in question or the municipality, as the case may be;

"(b) if the person making the appeal is not a municipality, the municipality in which the land subject to the appeal is located;

"(c) the minister; and

"(d) any other person or entity that the tribunal specifies as a party.

"Scientific basis of decision

"(4) The tribunal shall base its decision on an appeal on scientific evidence and if, in the tribunal's opinion, the parties to an appeal have not presented sufficient scientific evidence on which to base a decision, the tribunal may appoint a scientific expert of its own choosing to give evidence.

"Same

"(5) Every party to the appeal shall have the opportunity to test the evidence of an expert appointed under subsection (4).

"Tribunal's order

"(6) On an appeal, the tribunal may order that, despite anything contained in this act or its regulations,

"(a) the land or area subject to the appeal shall be treated as part of the greenbelt area for the purposes of this act; or

"(b) the land or area subject to the appeal shall not be treated as part of the greenbelt area for the purposes of this act."

### 1550

I think the intent here is quite clear, because it's something I've been saying over and over again in committee. We've found general and widespread support for some form of appellate tribunal. If this isn't perfect, I'm very open to any amendments to the motion that come from my colleagues. Jon Clancy is working hard on my behalf in my office, and I want to commend him for that on the



public record; Jim Miller as well. We appreciate the assistance of Legislative Assembly staff in crafting this, but if there are areas that are omissions or improvements that colleagues have, we're more than willing to amend the motion as long as the principle of an appellate tribunal stays the same.

The PC caucus believes very strongly that the McGuinty government's greenbelt decisions have been based far too much on political science rather than good environmental science. Therefore—because we have doubt in the science, we have doubt in the way this plan has been implemented, and we don't have faith in the minister to make the right decisions, whoever that minister may be, based on a flawed process—we feel that an appeal mechanism that is science-based and that is independent from government for property owners is necessary and fair.

I want to stress once again that the government's own Greenbelt Task Force similarly called for an appellate tribunal to uphold the integrity of the plan. That's in their task force report, *Toward a Golden Horseshoe Greenbelt*, August 2004, page 8. Again, if members feel that an appellate tribunal could be in a better form than this motion, I'm open to that, but I do want to reinforce that their own task force has called for an appellate tribunal to uphold the integrity of the plan.

The support we heard at committee for an appeal mechanism has been widespread and strong. Under an appeal mechanism, property owners and municipalities would be able to appeal a property's designation within the greenbelt through a transparent, public and science-based process. Similarly, landowners and municipalities would be able to appeal to have a piece of property entered into the greenbelt, again through a transparent, science-based process.

For example, there has been considerable debate at this committee, and considerable support from deputations to the committee, about Boyd Conservation Area in Vaughan being included in the greenbelt area. If this motion were to pass, an environmentally sensitive piece of property like Boyd Conservation Area could potentially be entered into the greenbelt, given a case at the tribunal to do so. Another example: Marcy's Woods, which is in the region of Niagara, is not currently part of the greenbelt area. It's an important piece of property from an environmental standpoint. The municipality or the owner could appeal to have that included in the greenbelt area.

Under the greenbelt bill as it stands today, as my colleague Mr. Klees and I have brought forward, the only route to appeal is through the Minister of Municipal Affairs himself in cabinet. Mr. Klees rightly described the motion the government just voted for as what you'd call a back-door or hidden appeal mechanism. I do fear that if you're well-connected to government, if you go to the right fundraiser, you'll have your chance for appeal, but average landowners will find themselves absent that ability for appeal.

The problem is, too, that once decisions are made, in reality you may be looking at a decade or more before the

plan is updated. So what's entered into the greenbelt and what is not is incredibly important because of the longevity of the process. I would think that, for the vast majority, it would be in perpetuity. So it's vital to have the right properties in the greenbelt and that it be science-based, and to make sure that taxpayers have faith in the process—that they have faith that it is science-based and that the right decisions are being made in a fair and transparent manner.

I also have great concern that the science, if there is some, is being hidden by the government. A \$1,400 entry fee through a freedom of information request is a substantial fee that will be unaffordable to a large number of taxpayers and landowners in this area. I've already seen one of my amendments defeated that would have added that the scientific evidence would be tabled at the assembly for all the MPPs and for the general public to view. So I fear that the government has something to hide about the reality of how the science hits the soil, so to speak, and about the great number of problems with the greenbelt.

I hope that members of the committee, particularly government members, will support their own task force's recommendations and vote in favour of a transparent, public, science-based appeal mechanism. Again, if there are improvements that I could make in the process—as I said, our resources are limited—I'm definitely open to that, as long as we maintain that principle of a fair and transparent appeal mechanism, given the great number of questions about the science behind the government's mapping exercise and the way the legislation has been botched.

**Mr. Duguid:** Mr. Hudak has a very creative way sometimes of naming his amendments, as we've seen throughout the hearings. I would like to name this amendment "the real estate lawyers' job creation amendment" because I think that's really what it would do: ensure that the greenbelt we all dream of seeing happen very soon, that being a greenbelt that's permanent, a greenbelt that provides effective protection for our watersheds, effective permanent protection for our agricultural lands, effective permanent protection for our natural heritage areas, an effective permanent protection to curb urban sprawl—that's what we want to see in this greenbelt. That's what we're striving to achieve. By setting up this third-party appeal process, there's no question our goals would certainly be watered down, and we cannot support that approach.

It's important to note that there is a mechanism, and there should be a mechanism. You can't be totally extreme here. We know that nobody's perfect. We know that things do, over the course of decades, change in terms of environment, in terms of urban needs, in terms of agricultural needs. We know that a decade or two from now there may be a need sometimes to make some amendments to this act. We're committed to ensuring that when those amendments are made, the greenbelt will stay permanent; its size will not change. Who knows? It may even grow at some point in time. But we want to make sure there is a process for that to happen. It



shouldn't happen frequently, but when there is something that's identified, a glaring issue that needs to be dealt with, there is a mechanism through the minister on to cabinet where indeed these amendments can be made. Again, you have to go through a full public process to do that, public consultation, and again cabinet needs to approve it. There are plenty of safeguards in the system and it will be public. There's no way that anything the opposition has suggested could happen would happen, because it is fully publicly accountable for those decisions.

But you don't want to set up a process where you're encouraging changes to this greenbelt. We've worked very hard over 15 months of consultations to get this thing right. Everybody who has been interested has had an opportunity to make submissions; thousands of people have. Many of them have made submissions suggesting approval of this greenbelt. In fact, I think the majority of people who came before us talked about the need for a greenbelt. Some have indicated concerns about particular parts of the greenbelt. We've given those concerns full consideration and we're continuing to give them full consideration as we work toward the announcement of this plan, so I'm confident we will get it right. But down the road there may be a need, there may be things identified that require some change here or there. That's why this system has been set up that way.

The last thing we want to do is set up a hodgepodge of a system, set up a duplicate to the Ontario Municipal Board where we've got lawyers, as I said, getting rich off it, where we've got public policy from time to time being thwarted, the public interest being thwarted for private interest. I think it's very important that we ensure that indeed this proceed and that this be permanent and effective in its protection.

To adopt this particular motion I think would certainly endanger our goals of a permanent greenbelt.

**The Chair:** Mr. Klees.

**Mr. Klees:** Thank you, Chair. Could you clarify for me that we are scheduled to go through till 12 midnight tonight? Is that what we're—

**The Chair:** I believe the House leaders have agreed to one full day of hearings. We will be breaking at 6 o'clock for supper, should we not be complete. Because we're only at the second section and we won't get through 30 sections before dinner, I'm assuming we will go beyond that. I wouldn't want to predict when we would end, but yes, we've said until midnight.

1600

**Ms. Churley:** Can I speak to that, please, briefly?

**Mr. Klees:** Well, I'm—

**Ms. Churley:** You raised a point of order. Do you mind if I just follow up on that, please?

**Mr. Klees:** By all means.

**Ms. Churley:** I in fact was waiting for you to finish so we could get this point, because I have to change plans for tonight if we're sitting until midnight. Furthermore, I just want to say that I understood that there was an agreement between our whips and House leaders that we

would have one day for clause-by-clause. I just want to say for the record that I'm willing and want to stick to that agreement. That was an agreement made, and I'm willing to try to move these along. I do want to say that if others want, for whatever reasons, to hold it up, I will be requesting and requiring that we continue on another day. But I do think we should try to stick to the agreement that was made. That's for the record. It looks like, the way things are going, we should plan on being here until midnight.

**The Chair:** I think we'll be here late.

Mr. Klees, you still have the floor.

**Ms. Churley:** Thank you, Mr. Klees, for the opportunity.

**Mr. Klees:** I'm always ready to help a colleague.

I'd like to suggest another title for this amendment to the parliamentary assistant. The title might be "an amendment to guarantee fairness and transparency, to protect property rights, and to rectify the flaws in the government's greenbelt legislation," because that is what this proposed amendment does. As I noted previously, without this, what we have is a hidden appeal mechanism that will be available to a very select few. It will be available to those who know cabinet ministers, who have access to cabinet ministers, who have an inside track, whether it be through effective lobbying, whether it be through MPPs like Ms. Mossop, who has, obviously, the ability to draw the Minister of Municipal Affairs into her riding and drive him around and let him see why the draft boundaries are incorrect and give her constituents an opportunity to appeal that. In fact, it will be interesting to compare the draft boundaries within Ms. Mossop's constituency and the final delineation once we see the plan, to see how effective Ms. Mossop was in appealing and lobbying her minister.

This appeal mechanism is transparent. It's fair. It will be available to everyone, and it gives every citizen in the province of Ontario a very fair opportunity to bring forward their concerns. For the government to deny this—and as Mr. Hudak indicated, if there are some specifics about this that the government members have concerns with, we're prepared to have the changes made so that at least we address the principle of a transparent and fair process for appeals. I'm looking forward to co-operation and support from members of the government on this amendment.

**The Chair:** I have no further speakers.

**Mr. Hudak:** Chair?

**The Chair:** Mr. Hudak.

**Mr. Hudak:** Thank you, Chair. I think the points my colleague made are excellent, and I won't repeat them. I will take issue with my colleague across the floor, the parliamentary assistant. In fact, I think, because there is such grave concern, growing and widespread concern, about problems with the plan—in fact, it's being called the greenbotch bill. We're aware of 2,200 submissions. Who knows how many different problems there are?

I think if there is a fair, transparent and science-based appeal process, that will actually strengthen it. If people don't have faith in the plan, if they don't have faith in the



government's ability to administer it, it will fail and eventually unravel. Instead, if they have faith that it's a fair process, that it's transparent and science-based, it will survive.

The second point I want to bring in is that this will also give individuals or municipalities, based on science, the ability to bring more sensitive areas into the greenbelt, which I think would reinforce the notion of something people are committed to, rather than perpetuating the question about decisions being based on political science rather than environmental science.

The government seems committed to a dancing greenbelt where the greenbelt will shift and shimmy north and maybe east and west, and change depending on the back-door appeal mechanism to the Minister of Municipal Affairs and Housing, whoever that may be. I don't think people will have faith in a greenbelt or a commitment to it the same way as for an Algonquin Park or a Niagara Parks or a Niagara Escarpment or the Living Legacy, for example. You have to have belief to have that faith. They won't have that faith if they continue to see a greenbelt based on political science and a greenbelt that may very well shake and shimmy and dance away from the current boundaries. I know they're working on some amendments to address that, but if you want to talk about uncertainty, the notion of a dancing greenbelt would certainly cause a great deal of uncertainty.

Granted, there may be a number of appeals to this. If there is a better way, a less encumbered way, a more efficient way to have an appellate tribunal, I'm all ears. Secondly, if the government commits enough resources to this, I think you can get through this in a rather efficient and quick fashion. The third point being that you do have protections in place. You do have the freeze in place. You do have municipalities that I am sure will be co-operative because they'll want to know what the final boundaries will look like.

But I believe there is a fundamental issue of fairness. The parliamentary assistant said, "They've taken 15 months to get it right," but it's far, far from perfect, from what we've heard at these committee hearings. I don't have faith that the government of the day is going to get it right. I think the majority of people who support preservation of green space and preservation of quality farmland—no doubt about it, it's motherhood and apple pie—are the same people at the same time who believe in fairness, who believe in transparency, and who believe in equal access to an appeal process, not just if you're well-connected, but every landowner should have the same right and the same science-based approach. I think that's a fundamental belief of Ontarians.

I think you can have your cake and eat it too. You can have your transparency. You can have a greenbelt people will believe in. You can even have a larger greenbelt, if this passes, in terms of the scope; perhaps an area like Marcy's Woods, as I said. But I do believe that if you really want to have faith in this initiative, bring in some sort of appellate tribunal outside of the minister's office so that people will have faith in the process because I believe that faith today is lacking.

Chair, I will ask as well, if my colleagues opposite have any amendments to my motion that would improve it, while keeping the appellate tribunal principle in place.

**The Chair:** I have no speakers. Are members ready to vote?

**Mr. Hudak:** Recorded vote.

**Ayes**

Hudak, Klees.

**Nays**

Churley, Duguid, Matthews, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

On section 3: Shall section 3 carry? All those in favour? That's carried.

On section 4: Shall section 4 carry? All those in favour? That's carried.

Section 4.1: Ms. Churley.

**Ms. Churley:** I move that the bill be amended by adding the following section:

"Prohibition against licences or permits under the Aggregate Resources Act

"4.1 Despite any provision in the Aggregate Resources Act, on or after the day the greenbelt plan comes into force,

"(a) no licence or permit shall be issued under the Aggregate Resources Act with respect to lands that are part of the greenbelt area; and

"(b) with respect to any licence or permit issued under the Aggregate Resources Act with respect to lands that are part of the greenbelt area before the day the greenbelt plan comes into force, no amendment to the site plan related to such licence or permit shall be required or approved if the amendment results in the expansion of the site."

This is the first of two aggregate-related amendments. This one proposes an outright ban on new aggregate operations or the expansion of existing aggregate operations within the greenbelt. It's a general prohibition.

I know it sounds extreme, it sounds harsh. But this has been a long time coming. There have been reports by the Environmental Commissioner and more recently, this report, *Rebalancing the Load*, a report by the Pembina Institute. Dr. Mark S. Winfield and Amy Taylor did a very thorough study and backed up the Environmental Commissioner's report about the problems with the expansion of aggregate operations overall. The argument here is that the greenbelt should be protected from any more of this.

**1610**

If you look at their study—in the interests of time I'm not going to go into a great deal of information on this—if you look at 8, their conclusions and recommendations, they say,

"Despite the importance of aggregate resources implied in current policies, the provincial government,



which now relies on the industry-owned Ontario Aggregate Resource Corp. for policy-related research on aggregate resources in the province, lacks basic information on current demand for and uses of aggregate. The province also lacks up-to-date projections regarding future demand." So the aggregate industry came in and made some points about demand and need and all of these things, but really, there's very little information. What we do know is that the resources and the overall policies aren't going toward the direction we need to be going in, and that is, far more substitutes and recycling.

Something has to be done about this. The implications for land use when it comes to aggregate extraction is severe. The Greenbelt Act sets high and laudable objectives, such as "to provide protection to the land base needed to maintain, restore and improve the ecological and hydrological functions of the greenbelt area." That's in your own clause 5(e).

I would like the government members to explain how the land base is protected and ecological and hydrological functions are improved through the continuance and expansion of aggregate operations. It's just totally absurd and, again, it creates another huge problem in terms of saying that this greenbelt is going to do what it says it's going to do. It's contradictory in its objectives.

The aggregate industry, for instance, is a huge water-taker. So we have this happening on top of breaking the principles of the greenbelt, but it's also breaking the principles of the government's stated objective, and that is to do something about the huge water-taking.

There are numerous abandoned aggregate sites within the greenbelt awaiting reclamation, and yet under proposed revisions to the provincial policy statement with respect to aggregates, the government is going to make it easier for aggregate operations to spread throughout the greenbelt. So there is also a contradiction between these two acts that are before us.

This amendment is needed to protect the long-term ecological and hydrological integrity of the greenbelt, as well as the health of all of those who live in it. I'm very frustrated about this one because it just doesn't fit within the objectives of the greenbelt whatsoever. I am getting, as I'm sure some of you are, more and more e-mails and phone calls from local groups that are fighting these operations and the expansions and new ones within their communities for environmental reasons. I think, in fact, this is going to grow and it's going to become more and more of a problem for all of us in these communities where it's happening, no matter which party we're in. It's an issue that my staff is dealing with, and myself, as the environment critic, every single day. We're trying to keep track of and help communities deal with this.

The purpose of this amendment is as I said. It's to make a general prohibition and start the process of really following up on the Environmental Commissioner's reports and the recommendations from the Pembina Institute on putting the proper resources into finding ways to recycle far more, as they do in Europe, and to use substitutes.

**The Chair:** Any further debate? Seeing none, are the members ready to vote?

**Ms. Churley:** Could I have a recorded vote?

**Ayes**

Churley.

**Nays**

Duguid, Matthews, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

The next motion is 4.1.

**Ms. Churley:** I move that the bill be amended by adding the following section:

"Limitation on licences or permits under the Aggregate Resources Act

"4.1(1) Despite any provision in the Aggregate Resources Act, on or after the day the greenbelt plan comes into force,

"(a) no licence or permit shall be issued under the Aggregate Resources Act if the licence or permit relates to a site that includes or is adjacent to a key natural heritage feature or a key hydrologic feature located in the protected countryside; and

"(b) where a licence or permit was issued under the Aggregate Resources Act before the day the greenbelt plan comes into force relating to a site that includes or is adjacent to a key natural heritage feature or a key hydrologic feature located in the protected countryside, no amendment to the site plan that results in the expansion of the site shall be required or approved.

"Definition

"(2) In subsection (1),

"'key hydrologic feature' includes any of the following features, as may be further described or identified in the greenbelt plan:

"1. Streams.

"2. Natural lakes and their shorelines.

"3. Seepage areas and springs.

"4. Wetlands.

"'key natural heritage feature' includes any of the following features, as may be further described or identified in the greenbelt plan:

"1. Significant habitat of endangered or threatened species and of species that are rare in Ontario.

"2. Fish habitat.

"3. Wetlands.

"4. Life science areas of natural and scientific interest.

"5. Significant valleylands, woodlands and wildlife habitat.

"6. Sand barrens, savannahs and tall grass prairies.

"7. Alvars."

This is my second amendment in trying to curtail aggregates in the greenbelt. This was in anticipation that perhaps the previous amendment would not be passed, and, gee, I was right. Surprise, surprise.



I put forward this one because it's much more realizable than the first. The first would be my ideal goal and, I think, the goal of many, but this one is quite doable, and that is absolutely key and important in terms of keeping the integrity of the stated purpose of the greenbelt.

What this one does is seek to keep aggregate operations out of key natural heritage features within the protected countryside designation under the greenbelt plan. The greenbelt plan places some minor restrictions on aggregate activities in key natural heritage features. So we are simply pushing this to its logical conclusion: Why pick a few areas?

I have an idea because, although I like this person very much, somebody I know who is a very keen and good Liberal has come forward, and—God bless him—he has done a good job in persuading the government that, in his area, where there's a big fight over an aggregate site—he has been exempted from that.

I would say, what's good enough for the—what's that expression? What's good for the goose—

**The Chair:** Good for the gander.

**Ms. Churley:** —is good for the gander. This is one of these areas where I applaud the person who came forward on behalf of his community and persuaded the government to put in some key natural heritage features in a few locations. I would say, good for him. Now let's expand that to key natural heritage features across the province.

At present, under the proposed greenbelt plan, aggregate extraction is not allowed in significant wetlands and the significant habitat of threatened or endangered species. What we want to do is push that to its logical conclusion and include all key natural heritage features and all key hydrologic features, as defined in the greenbelt plan. That's all explained in the plan itself.

These key features include—just listen to this and you will see why it's important for us to adopt this amendment: streams, natural lakes, springs, seepage areas—and, by the way, we're talking about source water protection here—fish habitat, and life science areas of natural and scientific interest. So those are some of the areas that we're referring to, and I think all of us would agree that, logically, it makes sense to stop aggregate extraction in those areas.

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Picking and choosing what key natural features aggregate operations should and should not be allowed to destroy, as the government is now doing, is scientifically suspect. This is an area where I'll say, very clearly, that it contravenes the various environmental protection objectives laid out in this act. There's some real cherry-picking going on. The government started down the road to keeping aggregate operations out of key natural heritage features and then stopped.

Ontarians expect the Greenbelt Act to protect the environment. There is no reason, after turning down my other amendment, why the government should not support this amendment to protect all key natural heritage

within the greenbelt and finish the laudable journey that they started to go down and then abruptly stopped.

**Mrs. Van Bommel:** I first want to state that when you're talking about key hydrological features, we certainly support that list of natural heritage and hydrological features. But I think that, in this case, this would be better served by being put into the regulations part and incorporated into the plan itself. I think we want to make sure that we can add things in the future. I look at things such as tall grass prairies. Not 10 years ago, we really weren't very familiar with tall grass prairies. In my particular riding, there has been a real effort on the part of farmers to incorporate these into their farm operations and make them part of the environment that they have. So I think we would be better served to use the regulations process to incorporate these rather than putting them into the legislation itself.

**Ms. Churley:** Not to prolong this, but my wording is taken right out of your act and some of the features that you've already included in this act. I'm not adding something new, because you've already done it for some key areas. Why not expand it to these other areas?

**Mrs. Van Bommel:** I think we want to make sure that we have the opportunity and the flexibility to add to them in the future without having to go through the process of legislation. I find that whenever someone wants to add or take something out and someone says, "It's legislated," it seems to act as a barrier to being able to do that. People instinctively say, "Oh my goodness, now we have to go through all of that." I think I'd rather see it incorporated as part of the regulations.

**Ms. Churley:** Given your concern, is that an agreement that you will guarantee that all of these features will be included in the regs?

**Mrs. Van Bommel:** Oh, now you're asking me to guarantee again.

**Ms. Churley:** Yes, because you've given me sort of a promise here.

**Mrs. Van Bommel:** I will certainly give you my personal commitment to take it forward to the minister, absolutely.

**Ms. Churley:** So I have to call the minister.

**Mrs. Van Bommel:** No, I'll take care of that.

**Ms. Churley:** I will continue to work on this issue if this is voted down.

**The Chair:** No further debate? All those in favour of the motion?

**Ms. Churley:** I just feel so much on the losing end of this one, but recorded, please.

**Ayes**

Churley.

**Nays**

Duguid, Matthews, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.  
The next motion is on section 5.



**Ms. Churley:** I move that clause 5(b) of the bill be struck out and the following substituted:

“(b) to sustain the countryside and the economic viability of farming communities.”

I note that both the Liberals and Tories have similar amendments, but I think what's missing in theirs is “economic viability.” What I would say is, this amendment is an attempt to get the government to recognize the importance of ensuring the economic viability of farming communities both inside and outside the greenbelt. We all heard extensively from the agricultural community during the committee hearings regarding the very difficult economic times they're confronted with. We heard time and time again, with or without the greenbelt, that these issues are there. The greenbelt was like the tip of the iceberg. Because of BSE, low commodity prices, US farmers dumping corn into Ontario markets at a fraction of the production cost, we all realize that the situation is really serious and that the government needs to act. Of course, there's only so much a provincial government can do, and the federal government needs to be doing a lot more as well to address the very viability of the agricultural community.

I know that one of the government's objectives needs to be the establishment of a province-wide task force—that was brought up by the farmers time and time again as well—charged with studying the viability of Ontario farming and determining the types of programs that need to be established to reverse the very serious present crisis. I don't think there's any disagreement around this table that something has to be done. I deliberately put economic viability in my amendment, because it has to be in lockstep with the policies to allow the agricultural economy to survive and flourish. If we don't look at it in terms of economic viability, then all kinds of other policies may be put in place, but we have to look at how it all fits in with the economic viability.

I know it's a very complex area, but we also heard lots of solutions from many of the farmers, the individuals and the groups that came before us. We had a lot of recommendations, lots of solutions that we need to start acting on immediately. That's why I framed my amendment the way I did.

**Mr. Hudak:** A procedural question to you and the clerk, if I could just quickly. I like Ms. Churley's motion. I think it is important that we have a number of pro-agriculture motions coming forward that will strengthen the state of farmers who are caught in the greenbelt area, so I'll be supporting this motion. There are two that follow that are amending the same section of the act, 5(e). Will we be amending the act twice, and is that fine? Do we move on to the next?

I intend to support this motion; I think Mr. Klees does as well. We think this is the right thing to do. If it does pass, are the next two motions still in order? I worry that if one of the subsequent two motions passes, does “farming communities” get deleted?

**The Clerk of the Committee (Ms. Tonia Grannum):** Because we will have changed clause 5(b), then the motion on page 11 and the motion on page 12

we wouldn't be able to move, because you've now changed—

**Mr. Hudak:** But we would be able to put a new motion on the floor with a similar content that would include farming communities if this is passed?

**The Clerk of the Committee:** Right.

**Mr. Hudak:** Thank you very much.

I just want to congratulate the member for bringing this motion forward. We certainly feel that it is absolutely vital to support farming communities within the greenbelt area. There has been concern brought up at every one of the hearing dates, as well as the open houses that the government had and through the media and correspondence to this committee, about that need. I will be supporting this motion by Ms. Churley.

**Mrs. Van Bommel:** I certainly support it as well. Because it changed slightly from what we have in front of us, could you just repeat your motion, please?

**Ms. Churley:** What do you mean it changed slightly?  
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**Mrs. Van Bommel:** I changed it. I'm going to change it.

*Interjections.*

**Mrs. Van Bommel:** I would absolutely agree about the issue of the—

*Interjections.*

**Ms. Churley:** My amendment reads, “to sustain the countryside and the economic viability of farming communities.” I understand that you perhaps have an amendment to make to this.

**Mrs. Van Bommel:** Yes.

**Ms. Churley:** In which case, I would like to consider that amendment, if you want to read it.

**Mrs. Van Bommel:** If I could propose an amendment, then, Chair, now that we've got straightened out who is going to do what.

**The Chair:** I presume this is a friendly amendment.

**Ms. Churley:** I think so; I want to hear it.

**Mrs. Van Bommel:** We do nothing but, right? I would like to amend the motion to read “to sustain the countryside, rural and small towns and contribute to the economic viability of farming communities.”

**Ms. Churley:** That's fine. I do consider that a friendly amendment.

**Mrs. Van Bommel:** Thank you. I would support that, absolutely. I think we certainly need to deal with this.

**The Chair:** Can we just confirm the wording again? Could you read that again?

**Mrs. Van Bommel:** OK. “To sustain the countryside, rural and small towns and contribute to the economic viability of farming communities.”

**The Chair:** OK. Mr. Hudak?

**Mr. Hudak:** That effectively cuts to the chase. The official opposition motion included the words “rural communities and small town communities.” So I think that covers the same area, now with the addition of “farming communities.” I note the government had a similar motion that they were bringing forward as well.

I do want to congratulate on the record the mayor of Lincoln, Bill Hodgson, who brought forward an amend-



ment at the committee hearings in Grimsby, the language of which we used for our amendment, and I would suspect the government did as well. I think I recall indicating at that meeting in Grimsby that we intended to bring forward a motion and encouraged my colleagues opposite to do so, and I'm pleased to see that has occurred.

**The Chair:** I have no more speakers, so we're voting on the amendment to Ms. Churley's motion first. Does anybody need me to read it again? Seeing none, all those in favour of the motion?

**Mr. Hudak:** Recorded vote.

**Ayes**

Churley, Duguid, Hudak, Klees, Matthews, Rinaldi, Van Bommel.

**The Chair:** I don't believe anybody voted in opposition. I declare that carried.

I believe we have to vote on Ms. Churley's main motion, as amended.

**Mr. Hudak:** Recorded vote.

**Ayes**

Churley, Duguid, Hudak, Klees, Matthews, Rinaldi, Van Bommel.

**The Chair:** I declare that motion carried.

So am I to understand that the Conservatives will be pulling the next motion, 5(b)?

**Mr. Hudak:** Maybe I'll ask the clerk. So 5(b), as amended, will now read—?

**The Clerk of the Committee:** "To sustain the countryside, rural and small towns and contribute to the economic viability of farming communities."

**Mr. Hudak:** We are satisfied with that and are pleased to see this new spirit of co-operation that we hope will carry over into the next series of amendments. So I will withdraw our amendment, Chair.

**The Chair:** Thank you. Am I to understand the government is also in that spirit of co-operation on 5(b) as well, that they would withdraw their motion on page 12? Thank you.

The next motion would be 5(j). Ms. Churley, you have the floor.

**Ms. Churley:** First of all, thanks to everybody for supporting this amended motion. I'm glad that we were able to be a united front on that one.

I move that clause 5(j) of the bill be struck out and the following substituted:

"(j) to ensure that no development of transportation and infrastructure proceed on wetlands, woodlands, valley lands, wildlife habitat and other lands that are part of the natural heritage system designated in the greenbelt plan."

This is an amendment to attempt to get support to keep highways and a new Great Lakes-based water and sewage system out of the greenbelt. I somehow don't think that I'm going to get a whole lot of support around the table. We're going from one extreme to the other

here. But again, the rationale here is that the objective of the greenbelt is to enhance the ecological integrity of the greenbelt area. Paving over wetlands, forests and wildlife habitat does not further that integrity, nor does it further the government's stated desire for source water protection.

Again, I'm going to remind the government that it needs to listen the Greenbelt Task Force, its own task force. I'm quoting from their document: "The greenbelt should not be considered a land reserve for future infrastructure needs." So allowing highways and Great-Lakes-based water and sewer systems to go across the greenbelt will defeat the government's stated purpose to control sprawl. Development will simply leap the greenbelt, creating increasing demand for services and new highways.

We well know that I've raised on many occasions the big pipe through King, and I know the rationale of the mayor and others is that it's for health reasons, but really there are other ways to deal with that, and it is about sprawl. We all know from experience that once you build it, they will come. When you build infrastructure through an environmentally sensitive area, you are, of course, setting up that area along the highways or along the big pipe for future development. So it contradicts what we're trying to achieve here.

**Mr. Hudak:** I appreciate my colleague's motion. I do want to point out again the absolute importance of having the growth plan moving hand in hand with this legislation. It's not just Hudak saying that, it's the OPPI, and I think there are a considerable number of groups—I believe even members of the Greenbelt Task Force have said the same thing. I believe that was probably the government's intention when they introduced Bills 135 and 136 on the same day, consecutively. We would probably address this issue with a great deal more knowledge if we knew what the growth plan was specifically and where the future infrastructure quotas were going to go.

That having been said, since we do—maybe I'll repeat it one more time. It's like waiting for the Maple Leafs to win the Stanley Cup: You keep hearing it's coming, but it hasn't come yet. I've just got to get that on the record for the fifth consecutive day. I think we need to allow the government the opportunity to make sure that it does come forward and that it does gel with the greenbelt plan. I wish we had them to evaluate simultaneously, but in that absence, we need to allow the opportunity to bring it forward.

**The Chair:** I have no further debate. Are the members ready to vote?

**Ms. Churley:** Could I have a recorded vote, please?

**Ayes**

Churley.

**Nays**

Duguid, Rinaldi, Van Bommel.

**The Chair:** I declare that the motion is lost.



I assume, Mr. Hudak, that you are reading the next motion?

**Mr. Hudak:** I am, thank you very much, Chair. I move that section 5 of the bill be amended by adding the following clauses:

“(j.1) to ensure that the development of transportation and infrastructure proceeds in a manner that does not inhibit the ability of municipalities to plan for future growth;

“(j.2) to ensure that every municipality whose potential for growth is adversely affected by the application of this act will receive provincial funding so that its viability as a community is not compromised;

“(j.3) to ensure that the development of Ontario proceeds in accordance with the recommendations set out in Shape the Future, the final report of the Central Ontario Smart Growth Panel appointed by the government on February 22, 2002, to advise the province on practical actions and strategies to promote healthy growth in central Ontario;”

**The Chair:** You have the floor.

**Mr. Hudak:** This is a follow-up to the motion that we all just basically came to an agreement on, which was the one brought forward by Mayor Bill Hodgson from Lincoln. Mayor Hodgson is just one of many mayors, particularly those in small communities in the greenbelt, who are concerned that their future growth is going to be frozen. If they wanted to improve their roads, their sewers, build a new recreation centre, for example, they could only do so if they raised taxes exorbitantly. That is very unfair to those particular municipalities. We have pointed out time and time again that this is one of the four fatal flaws of the legislation, that there is no support plan for greenbelt municipalities. Because the greenbelt, if done properly, is to be a jewel for the entire province to enjoy, therefore the entire province as a whole should help to support those greenbelt communities. I think it's a very fair request.

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Again, it's just as per Clancy, Miller and myself, and Mr. Klees. If there are problems with the wording, I'd be glad to entertain any amendments to it. But the principle of supporting greenbelt municipalities to make sure they continue to be viable communities is essential, and I do strongly feel that there is an important—in fact, imperative—provincial role in supporting the greenbelt municipalities, particularly those small towns that Mayor Hodgson spoke about in Grimsby.

**The Chair:** If there's no further debate, are the members ready to vote?

**Mr. Hudak:** Recorded vote.

**Ayes**

Hudak, Klees.

**Nays**

Duguid, Matthews, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

Next motion, Ms. Churley: 5(k).

**Ms. Churley:** I move that clause 5(k) of the bill be struck out and the following substituted:

“(k) to promote sustainable resource use by a variety of measures, including by increasing requirements for the reduction and recycling of aggregate products.”

I believe I mostly made my point on this in my other two failed amendments. I would simply say that it's even more critical that this one be supported because the government and the Tories have voted down the two crucial motions before to stop the aggregate extraction. Or maybe you guys actually abstained; I'm not sure.

**Mr. Hudak:** We didn't hear enough debate.

**Ms. Churley:** Oh, I see, not enough debate.

**Interjection:** Not enough science.

**Ms. Churley:** Not enough science. OK. There's a lot of scientific debate in this document right here.

What this motion is all about is that it is imperative that aggregate demand be reduced through increased dependence on such measures as recycling and substitution. It is not happening on its own. The reports that I referred to earlier make that clear. The aggregate producers are likely not interested in funding the necessary research in aggregate substitutes, although I'd like to see them participate in it. So this is intended to get the government to act and fund research into aggregate recycling and substitution so that the greenbelt does not become, as I've described before, an ecologically debased gravel belt instead of a greenbelt. So I would ask for your support on this one.

**Mr. Hudak:** A gravelbotch.

**Ms. Churley:** A gravelbotch.

**The Chair:** I see no further speakers. Are members ready to vote?

**Ms. Churley:** Recorded, please.

**Ayes**

Churley.

**Nays**

Duguid, Matthews, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

Shall section 5, as amended, carry? All those in favour? That's carried.

Subsection 6(1)(a.1). Mr. Hudak.

**Mr. Hudak:** I move that subsection 6(1) of the bill be amended by striking out “may” in the portion before clause (a) and substituting “shall” and by adding the following clause:

“(a.1) policies to support the long-term viability of greenbelt communities;”

**The Chair:** You have the floor.

**Mr. Hudak:** Again, this is follow-up to the motion brought forward by Mayor Bill Hodgson, a mayor I'm proud to say represents Lincoln in the riding of Erie—



Lincoln. He talked about the importance of changing “may” to “shall” in his submission. In his, he called it “(e) policies to support the long-term viability of greenbelt communities.” I think for proper context it should be called (a.1), but other than that, we take it directly from the mayor’s presentation. He made a very sincere and well-researched presentation. I think it impressed all members of the committee. Therefore, I ask that this too be added to the bill.

**The Chair:** No further debate? Are the members ready to vote?

**Mr. Hudak:** Recorded vote.

### Ayes

Hudak, Klees.

### Nays

Duguid, Matthews, Rinaldi, Van Bommel.

**The Chair:** I declare the motion lost.

Mr. Hudak, you’re up again: 6(1)(a.2).

**Mr. Hudak:** I thought that one was going to go through; I really did. I’m not sure what part they didn’t like, whether it was “may” to “shall” or (a.1). Nonetheless, I will go to the next portion of my amendment.

I move that subsection 6(1) of the bill be amended by adding the following clause:

“(a.2) policies to maintain and substantially improve the Bruce Trail;”

The Bruce Trail is something very near and dear to the hearts of Ontarians. I have talked about the initiatives and that I’m quite proud to be part of a party that brought in the Bruce Trail under then Premier Frost, the Niagara Escarpment Commission and plan under Premier Davis, the Living Legacy under Mike Harris, and the Oak Ridges moraine act under Harris as well. I think this gives us an opportunity to contribute to the improvement of the Bruce Trail.

Again, if members have a concern with any of the particular words, I’m willing to entertain an amendment. But it looks like it fits very nicely here, the Bruce Trail of course going all the way from Niagara Falls, Niagara-on-the-Lake, all the way to Grey-Owen Sound along the Niagara Escarpment.

It is not only a treasure across the province as a whole but something widely supported by the residents of the riding of Erie–Lincoln. I’d like to see this, in order to actually enhance whatever the greenbelt eventually becomes. I think this would be an important enhancement that should be included in the legislation.

**Mrs. Van Bommel:** As a government we all support trails. The greenbelt plan speaks to many trails, and the Bruce Trail is just one of them. But I think also that the Bruce Trail is specifically addressed under the Niagara Escarpment plan, so by addressing it here again, it’s becoming redundant. Unless you can explain to me what is missing and why we would need to address it again

under the Greenbelt Act, I really don’t understand why we are taking this one trail when it is one of many.

**Mr. Hudak:** I don’t like the tone. I’m a little nervous about the tone because I was hoping that this one would similarly receive support. It’s a non-partisan motion.

While we did not have a particular presentation about the Bruce Trail, I think those who are supporters would see this as an opportunity to enshrine its importance in legislation and in fact to improve it beyond what currently exists in the recognition in the Niagara Escarpment plan.

With due respect, there are important trail systems, but it ain’t a trail like every other trail. This is a treasure with wide support. It covers a massive area. It fits in very well with how the government describes the goals of the greenbelt area. I think it nicely links together some of the major initiatives that have happened over the last 40 years.

Despite the fact that it might be mentioned in another piece of legislation, I think it fits in very neatly with the government’s intentions behind the Greenbelt Act, and as a gesture to those supporters of the Bruce Trail that the government is committed to it. I do hope I will win some support for this motion.

**Mr. Klees:** I’d like to add my support to my colleague’s amendment. As a former Minister of Tourism, I certainly understand the importance of the Bruce Trail, particularly. As Ms. Van Bommel indicated, there are many trails throughout the province and they are an important part of our natural heritage, and some significant impact on tourism in our province as well.

I agree with Mr. Hudak that it’s important to send a signal through this legislation, to include specific reference. I think it’s symbolic and it would be an encouragement to the many volunteers over the years who have ensured that the Bruce Trail is what it is today. I always feel that whenever there is an opportunity for government to send a signal to the many people, who often are unheralded, who give many hundreds and thousands of hours of their time. For this special mention to be made in this legislation would be most encouraging to them. For that reason, I certainly would support it and encourage government members. It’s not going to take away from the substance of the bill, but I do think it will show a great deal of goodwill.

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**The Chair:** Seeing no further speakers, are the members ready to vote?

**Mr. Hudak:** Recorded vote.

### Ayes

Churley, Hudak, Klees.

### Nays

Duguid, Matthews, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.



**Mr. Klees:** On a point of order, Madam Chair: I really do think that there's a struggle going on in the minds of government members of this committee. I am sure that I saw a spontaneous reaction wanting to vote for this. I'm willing to make a request for unanimous consent that we redo this vote and give the government members an opportunity here to do the right thing.

**The Chair:** I appreciate your desire to deal with the spontaneous nature on the other side of the table, but considering we're only at section 5 and we have 30 to go, maybe they can—we have some more votes to go. I declare that motion lost.

Our next motion is clauses 6(2)(d.1) and (d.2), government motion.

**Mr. Rinaldi:** I move that subsection 6(2) of the bill be amended by striking out “and” at the end of clause (d) and by adding the following clauses:

“(d.1) policies,

“(i) prohibiting official plans and zoning bylaws from containing provisions that relate to specified matters and are more restrictive than the provisions relating to such matters that are contained in the greenbelt plan, and

“(ii) specifying matters referred to in subclause (i);

“(d.2) land use policies to support the long-term viability of agriculture in the greenbelt area; and”.

**The Chair:** Mrs. Van Bommel, are you speaking to the government motion?

**Mrs. Van Bommel:** Yes, I will speak to this. This is in response to the concerns that we heard from agricultural stakeholders about the importance of agriculture in the greenbelt, and we want to confirm that the importance of agriculture and the viability of agriculture is part of what we want to do when we're talking about the preservation of farmland. We heard many times from farmers who feel that it is important to save farmland and to save farmers. So we're trying to address that.

**Ms. Churley:** First of all, I have some concerns about the wording, and I may ask to have it split so we can vote on it separately, (d.1) and (d.2), because, of course, I support the second part: “land use policies to support the long-term viability of agriculture in the greenbelt area,” although I would say that that should include viability of farmland everywhere in Ontario. Having said that, I'm just wondering what you mean by (d.1), if that can be explained.

**Mrs. Van Bommel:** When we're talking about official plans and zoning bylaws that could be more restrictive, we want to make sure that all farmers are treated equally across the province and that there are consistencies in how bylaws are carried through, especially consistencies through the greenbelt. I'm going to defer to our technical support as well; as you question the wording, I'll ask them to deal with that.

**Ms. Konyi:** Ms. Churley, clause (d.1) is consistent with the approach that was taken in the Oak Ridges Moraine Conservation Act. For example, as Mrs. Van Bommel was stating, with respect to certain uses in the Oak Ridges moraine example, it was with respect to agricultural uses. You couldn't use the Oak Ridges

moraine conservation plan as a reason to prohibit any more restrictive agricultural practices in that municipality. So you couldn't use that as a way to put, say, a series of performance standards in an official plan that would thereby not allow that provincial interest to be put in place.

**Ms. Churley:** To follow up on that: As an example, a large factory hog farm environmentally near some wetland or whatever, would that be—

**Ms. Konyi:** No. I think, actually, what it's meant to do is—with respect to the policy, you'd still have to conform to the policies of the greenbelt plan. You just couldn't add any extra policies that would go over and above which would cause that not to be put in place.

**Ms. Churley:** I understand. In the Places to Grow Act, though, there's a difference. I understand you said that it's the same as in the Oak Ridges moraine, but in the Places to Grow Act, it's my understanding that it says that the strongest environmental and human health policy overrides. Therefore, why not in this case?

**Mr. Irvin Shachter:** Good afternoon. I'm Irving Shachter, from legal services branch, municipal affairs.

**Ms. Churley:** Welcome. For the record, he has been here all day.

**Mr. Shachter:** Unlike the typical lawyer, I was hoping not to have to say anything today.

Ms. Churley, you're referring to the conflict provisions in the Places to Grow Act, as I recollect. Both this provision and the provision in the Oak Ridges Moraine Conservation Act are to cover off the situations. As you know, when one does planning, municipal official plans and zoning bylaws are usually done as minimums, and standards that are higher than minimums are appropriate. But you can sometimes, in some circumstances, by prescribing higher than the minimum, in fact stop what it is you're trying to permit. The example would be performance standards, such that a certain use that purportedly otherwise would be permitted could not be carried on.

**Ms. Churley:** So this, then, would only apply to agricultural uses, not—

**Mr. Shachter:** No. The way the motion is phrased, it isn't only applied to agriculture; it would allow for matters as prescribed. Agriculture, I think, was the example that was put forward, but the wording of the motion itself does speak to “that relate to specified matters.”

**Ms. Churley:** So I guess that is the rub for me. I'm sympathetic to the argument around agricultural land and farm viability, but I can't support this as is. I don't suppose you'd see it as a friendly amendment for me to put agriculture specifically in there, would you?

**The Chair:** Are you asking a question of the parliamentary assistant?

**Ms. Churley:** Yes.

**Mrs. Van Bommel:** I'm going to defer to our staff. Can we get that specific?

**Ms. Konyi:** Could you repeat your question, Ms. Churley?



**Ms. Churley:** It doesn't just apply to agriculture, and I was asking if it would be a friendly amendment, although I guess it substantially changes it. But I'm very concerned—except for the explanation you gave me about the reasons for agricultural land, which I think is valid and important—about it applying to all other land uses as well, where I believe that the strongest regulations on the environment and human health should prevail. That would be my question.

**Ms. Konyi:** I think the decision on what policies would be in the plan that these restrictions could possibly apply to is inappropriate for staff.

**Ms. Churley:** Right. That's why I'm asking of the government—do you want to stand it down and think about this?

**Mrs. Van Bommel:** No.

**Ms. Churley:** You can't accept that as a friendly amendment? OK. In that case, just to be clear, then, that is why I can't support it. I certainly would like to support (d.2) on the long-term viability of agriculture in the greenbelt area. Would you split it so I can vote for (d.2)?

**Mrs. Van Bommel:** We can certainly split it, if you like.

**Mr. Duguid:** If it makes you happy, we're OK with that.

1700

**The Chair:** So the mover has agreed that they'll split the motion. I still have two more speakers, I believe, speaking to the whole motion.

**Mr. Hudak:** Actually, I have an amendment, but that is to the (d.2) part of the motion, so I'll table my amendment until we get through (d.1).

**The Chair:** Mrs. Van Bommel, you were on my list. Did you want to speak to—

**Mrs. Van Bommel:** No, that's fine.

**The Chair:** OK. So I have no more speakers on (d.1). Are the members ready to vote on (d.1)? All those in favour of (d.1)? All those opposed? That's carried.

(d.2): Mr. Hudak, you have the floor.

**Mr. Hudak:** I move—how do I phrase this?—that (d.2)—

**The Chair:** Excuse me, just so I'm procedurally correct, can I have Mrs. Van Bommel move (d.2) separately and read it into the record.

**Mrs. Van Bommel:** Certainly, that's fine: "(d.2) land use policies to support the long-term viability of agriculture in the greenbelt area; and".

**The Chair:** Thank you. Mr. Hudak.

**Mr. Hudak:** I'd like to amend the motion as follows:

"(d.2) land use and economic support policies to support the long-term viability of agriculture in the greenbelt area; and".

So I'm adding the words "and economic support" after the words "land use."

**The Chair:** I don't know if that's a friendly amendment to—

**Mr. Hudak:** I consider it very friendly.

**The Chair:** Maybe I could ask Mr. Hudak to explain it, and then people can listen to his explanation. Mr.

Hudak, you have the floor, while we struggle with your change.

**Mr. Hudak:** While I think farmers will be somewhat pleased to see language regarding the support and long-term viability of agriculture in the greenbelt area, they were very clear that it is more than simply land use policies. I think overwhelmingly, if not unanimously, the presentations by the agriculture community spoke about economic support for greenbelt farmers. Similarly, I believe almost all other deputants who spoke in this area, whether environmental groups, municipalities or other interested stakeholders, also supported an economic support plan. So it's not simply land use policies alone, but it is actual economic support for farm viability that they're asking for. I think that should be clear and I hope that that additional language of "and economic support" policies will be included in this bill.

**Mrs. Van Bommel:** I can't support that, and the reason I can't do that is because I think you're setting farmers inside the greenbelt into a special category and you're going to give them something—you're asking that they have something that the rest of the farmers in this province don't have.

One thing that we heard during the deputations was the fact that the farmers in the GTA were already experiencing—one deputant spoke, and she's here today, on the fact that over the last 10 years she hasn't had access to the same support programs that I have had as a farmer in southwestern Ontario. So she's already had to deal with the fact that she hasn't been on a level playing field with me. Now you're asking that again we not have a level playing field. I have a real difficulty with that. I think there should be consistent treatment of all farmers in this province and you shouldn't start taking certain groups and setting them aside and giving them special treatment or you disadvantage other groups. That is an issue I have very real difficulty with.

**Ms. Churley:** I would like to amend the amendment and use the wording that Mr. Hudak gave, but take out "greenbelt area" and put in "the province of Ontario." That's an issue that I raised earlier as well. So yes, I'd like to make that as an amendment to the amendment, to remove "greenbelt area" and put in—I can't remember your wording, Tim, but your wording, the economic viability, and to change "greenbelt area" to "the province of Ontario," because I share your concerns and I raised it earlier. I said I'd support it, but it's very clear that farms across the province need support.

**Mr. Hudak:** That should solve the problem.

**The Chair:** I have other speakers, and now I'm totally confused. I'm not sure which amendment we're speaking to. Can you give me a second?

Mr. Hudak, did you want to speak to any of the amendments or the original motion? You're my last speaker—no, you're not the last.

**Mr. Hudak:** I appreciate Ms. Churley's amendment to my amendment to the motion. I hopefully will get support from all members of the committee for that.



**Mr. Klees:** I'm pleased to add my support to Ms. Churley's amendment to the amendment, and thank the parliamentary assistant Ms. Van Bommel for bringing this forward so that we can all vote for this. I agree with her as well that it should be a level playing field. She expressed that her concern with this amendment was the fact that there wasn't a level playing field and that it was treating some farmers differently. So the fact that we've removed that impediment I think speaks to the goodwill that is being demonstrated here around the table. I look forward to this amendment passing.

**Mrs. Van Bommel:** So we keep things straight, I'm going to speak to the amendment that Ms. Churley has put forward. While I appreciate that approach, because we're dealing with enabling legislation for the greenbelt, I don't think this is the appropriate vehicle to do that in. I think we need to have something very specific to the whole issue of viability for agriculture across this province.

*Interjection.*

**Mrs. Van Bommel:** I so appreciate your support, you know—

**The Chair:** Thank you, committee.

I see no other speakers, and I believe what we're dealing with is Ms. Churley's first. I believe the wording—

**Ms. Churley:** Recorded vote.

**The Chair:** A recorded vote, but let me just make sure that I have the wording correct:

“(d.2) land use policies and economic support policies to support the long-term viability of agriculture in the province of Ontario; and”.

**Ms. Churley:** Yes, that's right.

**The Chair:** A recorded vote has been requested.

#### Ayes

Churley, Hudak, Klees.

#### Nays

Duguid, Matthews, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

The original amendment that Mr. Hudak put forward is back on the floor, which is:

“(d.2) land use policies and economic support policies to support the long-term viability of agriculture in the greenbelt area; and”.

**Mr. Hudak:** I'm shocked that that last amendment didn't go through, because the parliamentary assistant herself had said that we should address this across the province as a whole. The motion was amended appropriately and still the government member shot it down and now has said, “Well, this is not the way to do that.” I guess we'll put our faith in the Minister of Agriculture, who has been absolutely absent from the field on this legislation.

**Ms. Churley:** He's not out standing in the field?

**Mr. Hudak:** He is not standing in anybody's field.

**Ms. Churley:** I want that on the record. I asked the question, “He's not out standing in the field?”

**The Chair:** Thank you, Ms. Churley. Mr. Hudak, you wanted to—

**Mr. Hudak:** I believe quite strongly that farmers have said that it's not land use alone. An incredible number of groups have said that as well, that a successful greenbelt cannot be based on land use alone and there should be further government support. Clearly, there should be some support for greenbelt farmers. We heard that in Durham, Halton, Peel, Wellington, and especially from the good folks in Niagara.

So I do feel quite strongly that the government should show that they support greenbelt farmers by adding the words “and economic support” to the motion. I would argue that greenbelt farmers will find themselves in a different situation, if this legislation passes, than somebody across the road who is not in the greenbelt area. There will be the ability of the government to put further restrictions on their operations. I can't think of a single group that came before us that objected to this economic plan for farmers, a viability plan for greenbelt farmers, and I do hope it will win support.

**Mr. Klees:** Further to the parliamentary assistant's concern about treating farmers in the greenbelt differently than farmers who are outside of the greenbelt, I would put to her the question, why are you comfortable, then, with this clause, which provides very specific protection for farmers within the greenbelt area that you're not extending legislatively to farmers outside of the greenbelt area?

**Mrs. Van Bommel:** I certainly want to go back also and speak to something I mentioned earlier, which is the fact that, first of all, we now have in place amendments to the Planning Act which will give land use policy protection to farmers outside the greenbelt as well, in terms of we no longer “have regard for,” we now must “be consistent with” the provincial policy statement. Also, the provincial policy statement is being reviewed. So there is opportunity to strengthen the provincial policy statement as well so that we create a level playing field for farmers outside the greenbelt as well as inside.

#### 1710

**Mr. Klees:** The parliamentary assistant, then, is giving this committee and farmers across the province the assurance that whatever protection will be provided to farmers here under this legislation will be extended to farmers not in the greenbelt. Is that correct?

**Mrs. Van Bommel:** The intent of this is to protect farmland as well as natural heritage lands and such within the greenbelt. But, yes, it is also our intention to help farmers outside the greenbelt to stay in agriculture as well.

We've heard from farmers outside the greenbelt for years, and you will certainly attest to the fact, that during the Smart Growth panel hearings, farmers and farm organizations came forward telling you that farmland needed to be preserved, and that hasn't changed. Farm



communities still feel very strongly about the need to protect and preserve valuable farmland.

**Mr. Hudak:** Let me note, for the record, that the amended motion that I put forward to include the words “and economic support”—and then it would be, “... policies to support the long-term viability of agriculture in the greenbelt area”—is but a modest amendment. If the government votes this down, it will be a slap in the face to farmers in the greenbelt area who have come before this committee, who have come to the open house and have said universally that there should be a viability plan, a support plan for Ontario farmers. It’s bad enough that the Minister of Agriculture has failed to stand up for greenbelt farmers, but to see the government now vote down a modest amendment about economic support for farmers in the greenbelt is an insult to those who came before the committee and is very frightening for what will become of the greenbelt farmers.

**Mrs. Van Bommel:** This legislation is enabling legislation. I have noticed that the political farmer has come up for air again and you’re using this opportunity to delay this legislation.

We’re talking about the viability of agriculture across this province. There is no question that we recognize that agriculture is in a crisis right now. This crisis has been a long time coming. We have to deal with that through the Ministry of Agriculture. Quite frankly, the minister has to deal with that and he is speaking to the farm community at this time. But to say that we’re going to put that in here, and to imply that somehow by not supporting this amendment we don’t support farmers in this province, you’re very wrong.

You’re just playing politics with these farmers. If you had been so concerned about these farmers, then we would not have heard about the fact that for the past 10 years farmers in the GTA were disadvantaged. You had the opportunity to rectify that; you didn’t. Now you are all of a sudden saying that you want us to deal with this. I’m saying to you, we treat everyone equally. We value agriculture. We value the farmers. We value what they do for us in terms of food production. At this time they are in a crisis and there is no question in my mind that we need to address that, but this is not the appropriate vehicle to do it.

**Ms. Churley:** Just briefly on this, it’s certainly an area where I don’t think anybody wants to be playing politics with it. It was very distressing for all of us to hear the plight of the farmer. In some cases, some in the farm community, because I support moving forward with greenbelt legislation, see that as a contradiction.

I just want to make it clear that we may differ on that, and we do in some cases, although some farm groups came out in support and wanted it expanded to include those agricultural lands that I pointed out on the map earlier, and some other things. But the message we got time and time again was that, with or without the greenbelt, these supports have to be put in place and have to be put in place now as a priority.

I guess to not play politics with this, but to make it very, very clear that something is going to come out of this as a result of those hearings—it’s clear that this motion is not going to pass here today, although I thank everybody for supporting mine earlier. I think it’s a key message coming out of these committee hearings and in the House when we go through this that we have done something together as a committee to recognize and support and deal with the very serious issues raised to us by the farm community. I think that’s why it is so important that we not only acknowledge but make very clear statements and pass as many motions as we can to indicate that we’re serious about this. So I’m going to support the motion. I think it’s important, and I don’t see it that differently from the one that we passed earlier. If it’s not supported, I think we’re all going to be looking for statements from the government, either inside the greenbelt or outside, in response to all of the concerns—and very good recommendations, by the way—that were brought to us from many farmers across the area.

**Mr. Hudak:** I’ve got to say that I’m disappointed in the parliamentary assistant’s remarks. Every single agriculture group that came forward talked about the necessity of an economic support plan for greenbelt farmers—and she agrees with me. I cannot think of another group, aside from the government of Ontario, that has disagreed with that statement. As far as I can recall, when we addressed the issue, environmental groups, municipalities and other landowners unanimously spoke about the importance of a viability strategy for Ontario farmers.

Clearly, if they won’t even support this modest—I’m not calling for \$5 billion; I don’t specify. It’s a modest amendment. We certainly have some stronger ones coming forward. If the government votes down this most modest of amendments, they are clearly abandoning greenbelt farmers and they are absolutely ignoring every piece of evidence that has come forward before this committee. It would be a sad reality if they vote down economic support.

**Mr. Klees:** I want to express my disappointment as well with the parliamentary assistant’s comments. To accuse us of playing politics with farmers by raising on their behalf the issue of economic sustainability and encouraging the government to incorporate into this legislation specific reference to economic support policies, I suggest, is an affront to Mr. Hudak, who brought this forward, it’s an affront to every farmer who is suffering in this province today, and it’s an affront to every farmer who presented to this committee over the last number of weeks appealing to the government and asking it to incorporate economic support policies.

I’d also ask the parliamentary assistant to look very carefully at the government’s own amendment, which reads “land use policies to support the long-term viability...” If the objective, the end goal, is viability of agriculture, you have to include a reference to economic support plans, because the farming community has told you time and again that without that, there is no viability, no long-term viability. So what we’re pointing out to you



here is very simply that if you want to achieve the objective of your own amendment, then you will include a reference to the economic support policy. I don't understand why on the one hand you would accuse the opposition of playing politics with this issue when your objective is the same as ours. We're simply trying to provide some substance to this that would help achieve the objective that you've set up.

1720

**Mrs. Van Bommel:** Long-term viability is more than just economic viability. We heard from presenters and deputants who talked about issues such as trespass. We had an individual, a farmer, who came and showed us photographs of people walking on to his land and storing their things on his property. That deals with trespass. He also showed us issues around drainage. There are a lot of things that need to be dealt with, not just one thing such as economics.

Long-term viability means a lot of different things to the farm community. The one thing I heard, in all those deputants—we heard from farmers who stayed on their farms, whose neighbours left. I've heard people talk about such things as calling farmers speculators. That's the last thing I'm going to call those people who stayed, because that's what they didn't do. They weren't speculating. They stayed on their farms. They were farmers there for keeps. They need help to stay there. They need viability. To start taking out one part and to say you're going to deal only with economics, that's not fair. Those people need far more than just the economics. Not only that, but farmers deserve more than to have policies that affect their viability dictated only through the one act. It should be something very specific from the Ministry of Agriculture, and I think that the farmers should have that dignity of having their minister help them through their difficulties.

**Mr. Klees:** We've been looking for the Minister of Agriculture to show up on behalf of farmers. He's nowhere to be seen. What we're hearing from the farming community is that they hear one thing from the Minister of Agriculture, but he appears to have no ability to deliver his message to the cabinet table. There's no response, there's no recognition, there's no evidence that this minister is effective as an agriculture minister.

At least we here have had the benefit of very public hearings. I don't know where the Minister of Agriculture is. You say he's out there. I don't see him; I don't hear him. I don't know what private meetings he's having, but we're having a very public forum on a very important issue that affects farmers in this province. We have heard in a very public way that long-term viability for them, yes, means many things but, fundamentally, it means economic viability. You can have all of the land use issues in place, but if they're not economically viable, those farmers have no way of staying on that land.

We're simply saying that for we who have had the benefit of those public hearings and those deputations, one after another, why do we not, through this legislation, take the opportunity to send the signal to the

Premier, to all of the cabinet and to the people of Ontario that this government is in fact serious and understands that the issues of economic support policies are fundamental, are a cornerstone to achieving that long-term viability?

**Mr. Hudak:** The summary report prepared for us by staff for Bill 135 has example after example from group after group of those who call for agricultural sustainability and viability: "The focus should be on agricultural sustainability and viability, not just a land use planning exercise." I don't know what all the acronyms mean, but that was Mary Lou Garr, who was on their task force, ASASBW, Moore, Lambrick, OFA, Halton Region Federation of Agriculture, TNOL, Ontario Fruit and Vegetable Growers' Association, PFOA. "Agriculture viability support should be considered in concert with the Greenbelt Act": NNFA, Councillor Kirkby, Howard Staff, fruit and vegetables, Ontario Federation of Agriculture. The evidence we heard was consistent, overwhelming and universal.

The parliamentary assistant's defence on this has shifted several times. First, it was tabling a motion with land use alone, that land use was sufficient. Then in the talk about economic support, she said, "It has to be province-wide." When put to the test in a vote, they voted down economic support. Then when I talked about economic support, she said, "Well, it's more than economic support. It's land use, trespass and other things." But initially they said it was simply land use that was all they'd need to look at. There is no defence to this.

Do you believe in your heart and will you vote to support greenbelt farmers with a viability plan? I cannot think of a single deputant who disagreed with that approach. In fact, your own task force made this point for me on page 5 of their report. They said, "Protection of the land alone does not ensure agricultural viability, and the province should pursue complementary initiatives including economic development, research and monitoring, promotion of agricultural easements and land trusts for farmers" etc.

Your own committee and your own member, Mary Lou Garr, talked about the importance of enshrining this in the bill. You support the greenbelt farmers or you don't. If you vote this down, there is no argument other than you don't.

**The Chair:** Are the members ready to vote?

**Mr. Hudak:** Recorded vote.

**The Chair:** A recorded vote has been requested. Just in case—

**Ms. Churley:** What are we voting on again?

**The Chair:** I thought I'd remind you because I know it's become a little confusing. We're voting on the second amendment, which was Mr. Hudak's, which was, "the land use policies and economic support policies to support the long-term viability of agriculture in the greenbelt area; and".

This is a recorded vote.



**Ayes**

Churley, Hudak, Klees.

**Nays**

Duguid, Mossop, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

The remaining motion on the floor is the original one moved by Ms. Van Bommel.

**Mrs. Van Bommel:** On a point of order: Because we've split this into two, I need to amend this part of the motion so that it is consistent. So I need to amend it by taking out "greenbelt area" and substituting "protected countryside," so that it would read,

"(d.2) land use policies to support the long-term viability of agriculture in the protected countryside; and".

**The Chair:** No discussion? Are members ready to vote?

**Mr. Hudak:** Obviously, land use is part of the equation. We support land use policies that are going to support the long-term viability of agriculture in the greenbelt area. I regret deeply that economic support is not part of this. Nonetheless, we will take land use policies and support this motion, noting again for the record that it should also include economic support.

**The Chair:** No further discussion? Are members ready to vote?

**Mr. Rinaldi:** Recorded vote.

**The Chair:** A recorded vote has been requested and this is on (d.2). I'll just remind everybody. It says, "land use policies to support the long-term viability of agriculture in the protected countryside; and". Is that right, Ms. Van Bommel?

**Mrs. Van Bommel:** Yes.

**The Chair:** A recorded vote has been requested.

**Ayes**

Churley, Duguid, Hudak, Klees, Mossop, Rinaldi, Van Bommel.

**The Chair:** I declare that motion carried.

The last procedural is to vote on clause 6(2)(d.2), as amended. All those in favour? That's carried.

Shall section 6, as amended, carry? All those in favour? That's carried.

Section 7: Ms. Churley, subsection 7(3) is your next amendment.

**Ms. Churley:** I move that subsection 7(3) of the bill be amended by striking out "no municipality or municipal planning authority" in the portion before clause (a) and substituting "no ministry, board, commission or agency of the government of Ontario and no municipality or municipal planning authority".

1730

This is pretty self-evident. The environment doesn't distinguish between different levels of government.

Without this amendment, the act now tries to make that distinction. It's to ensure that any provincial public works improvement of a structural nature or other undertaking must conform to the greenbelt plan, as the municipal level of government does. The public works undertaken by municipalities should have to conform to the provisions of the greenbelt plan, presumably for the protection of the natural environment. Why in the world should provincial public works and undertakings be exempt? Are provincial undertakings such as roads, the big pipe in King City and sewer extensions any more environmentally benign than municipal infrastructure?

This amendment would treat provincial public works equally with municipal public works in making both conform to the greenbelt plan. That's it; I think that makes eminent sense to support.

**The Chair:** I have no speakers. Are the members ready to vote on this motion?

**Ms. Churley:** Could I have a recorded vote, please?

**Ayes**

Churley.

**Nays**

Matthews, Mossop, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

Shall section 7 carry? Carried.

Ms. Churley, you have section 8.

**Ms. Churley:** OK, let me try again. I move that section 8 of the bill be struck out and the following substituted:

"Conflicts with greenbelt plan

"8(1) Despite any act, if there is a conflict between a provision in the greenbelt plan and a provision in a plan, bylaw, policy, act or regulation that is mentioned in subsection (2) with respect to a matter relating to the natural environment or human health, the direction that provides more protection to the natural environment or human health prevails.

"Same

"(2) The plans, bylaws, policies, acts and regulations to which subsection (1) refers are

"(a) an official plan;

"(b) a zoning bylaw;

"(c) a policy statement issued under section 3 of the Planning Act;

"(d) the Niagara Escarpment Plan established under section 3 of the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Plan established under section 3 of the Oak Ridges Moraine Conservation Act, 2001 and any amendments to those plans; and

"(e) any of the following acts or a regulation made under any one of the following acts:

"(i) Aggregate Resources Act,

"(ii) Drainage Act,



- “(iii) Environmental Assessment Act,
- “(iv) Environmental Protection Act,
- “(v) Mining Act,
- “(vi) Ontario Water Resources Act,
- “(vii) Public Lands Act.”

So what's this one all about? The amendment allows the greenest provision to stand in cases of conflict, which there sometimes are between the greenbelt plan and a policy, plan, bylaw, act or regulation.

I know the government has introduced amendments to clarify and strengthen their intent that municipal official plans or bylaws must conform to the greenbelt plan, but it just doesn't go far enough in this regard. You'll remember that during the committee hearings we heard examples where the official plan of a municipality, and Caledon is a good example, was established through a local process and a compromise was reached—I'm sure it was painstakingly reached—among various land users, and it was more environmentally progressive than what exists in the proposed greenbelt plan. So that should supersede, because it's stronger.

What this does is to recognize that the greenest policy, plan, regulation etc., that which provides the most protection to the natural environment or human health, should prevail in cases like Caledon, which is a good example of conflict in direction.

I would expect that all government members should be able to support this, because the concept comes directly from their Places to Grow Act, wherein if a conflict exists between a growth plan and a direction in another plan or policy, the act states that “the direction that provides more protection to the natural environment or human health prevails.” That's right out of the Places to Grow Act, so why is it OK for the Places to Grow Act and not for the Greenbelt Act? That's what this does.

**The Chair:** I have no speakers. Are the members ready to vote?

**Ms. Churley:** Can I have a recorded vote, please?

**Ayes**

Churley.

**Nays**

Matthews, Mossop, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.  
Shall section 8 carry? Carried.  
On section 9: Ms. Churley.

**Ms. Churley:** I move that section 9 of the bill be struck out and the following substituted:

“Conformity

“9(1) The council of a municipality located within the area to which the greenbelt plan applies shall amend its official plan to conform with the greenbelt plan on or before the day that is 18 months after the day the greenbelt plan comes into force.

“Failure to amend

“(2) If the council of a municipality fails to amend its official plan within the time specified in subsection (1), the minister may, by order, amend the official plan of the municipality so that it conforms with the greenbelt plan.”

This is to decrease the time municipalities have to conform to the greenbelt plan, and to provide the minister with powers to bring municipalities into conformity. The rationale behind this one is that Bill 135 allows municipalities to wait until their next official plan review is done in order to conform to the greenbelt plan. For some municipalities that have just completed an official plan review, this will push the conformity date well into the future. It could be up to five years, so there's a technical glitch here. How do you deal with that? This attempts to fix that.

Again, in contrast, under the Oak Ridges Moraine Act, municipalities were given 18 months to bring their official plans into conformity. I assume that Mr. Klees would think they did the right thing on that and will support this motion.

Equally important is that the minister may have the powers to amend a municipality's official plan in the event that it does not conform with the greenbelt plan. Again, I come back to the Places to Grow Act. There are provisions that permit the Minister of Municipal Affairs and the Minister of Public Infrastructure Renewal to amend the official plan to bring them into conformity with provincially initiated growth management plans.

The issue here is, if it is important enough for the minister to have these powers for growth plans, then why in the world would we not think it's important enough to have them for green plans? I think it's a glaring oversight, and I'm hoping that it actually is an oversight and that you will support this amendment.

**The Chair:** I have no speakers. Are the members ready to vote on this motion?

**Ms. Churley:** Could I have a recorded vote, please?

**Ayes**

Churley.

**Nays**

Matthews, Mossop, Van Bommel.

**The Chair:** I declare that motion lost.

The next motion is a government motion. Ms. Mossop, I believe you will be reading that.

**Ms. Mossop:** I move that section 9 of the bill be struck out and the following substituted:

“Conformity

“9(1) The council of a municipality or a municipal planning authority located within any of the areas designated as protected countryside in the greenbelt plan shall amend every official plan to conform with the greenbelt plan,

“(a) no later than the date the council is required to make a determination under subsection 26(1) of the



Planning Act, if the minister does not direct the council to make the amendments on or before a specified date; or

“(b) no later than the day specified by the minister, if the minister directs the council to make the amendments on or before a specified date.

“Same

“(2) For the purposes of subsection (1), a provision in an official plan that relates to a matter specified under subclause 6(2)(d.1)(ii) does not conform with the greenbelt plan if it exceeds the requirements of the greenbelt plan or is more restrictive than a provision in the greenbelt plan.”

1740

**Mrs. Van Bommel:** I think that this tries to answer the same concerns that Ms. Churley had. In looking at the history of what happened around the Oak Ridges moraine, it is my understanding that, even though there was an 18-month timeline requirement, a lot of municipalities came forward and asked for extensions on that time. For a lot of municipalities, especially the more rural municipalities, the exercise of going through the official plan is a very expensive one. We have municipalities that are doing this exercise at this time, and to ask them to go through that again in 18 months, as was suggested, is onerous for them and for their ratepayers as well. What we're doing with this particular motion is we're addressing that need.

**Ms. Churley:** Just briefly, I would ask again for your indulgence to split this. I want to support clauses 9(1)(a) and (b) because, you're right, it does do what I was doing—not as well; it doesn't go quite as far, but it goes some distance to correcting that problem, which I very much appreciate. The problem with subsection 9(2) is—without going into the detail again as I did before—that the greenbelt plan supersedes any other plan, even if it's more environmentally sound. So I want to vote against that, but I would like to vote for clauses 9(1)(a) and (b).

**The Chair:** Are you requesting that the mover split the motion?

**Ms. Churley:** Yes.

**The Clerk of the Committee:** You have to reread it.

**Mrs. Van Bommel:** I have to reread this?

**The Clerk of the Committee:** Yes, and then you have to reread the second motion properly.

**Mrs. Van Bommel:** OK, thank you. I move that section 9 of the bill be struck out and the following substituted:

“Conformity

“9.(1) The council of a municipality or a municipal planning authority located within any of the areas designated as protected countryside in the greenbelt plan shall amend every official plan to conform with the greenbelt plan,

“(a) no later than the date the council is required to make a determination under subsection 26(1) of the Planning Act, if the minister does not direct the council to make the amendments on or before a specified date; or

“(b) no later than the day specified by the minister, if the minister directs the council to make the amendments on or before a specified date.”

**The Chair:** So this means that the previous motion is withdrawn?

**Mrs. Van Bommel:** Yes. We've split it into two now.

**The Chair:** We have no further speakers. All those in favour of the motion? All those opposed? That's carried.

Mrs. Van Bommel, would you read the second part of that?

**Mrs. Van Bommel:** I'm hoping that when I read this out, I read it correctly into the record. I don't need to preface it with anything? I'm just going to check with legal to make sure.

**The Clerk of the Committee:** You start with “I move that.”

**Mrs. Van Bommel:** I move that section 9 of the bill be struck out—is that proper?

**Ms. Sibylle Filion:** Not “be struck out,” but “be further amended by adding the following subsection.”

**Mrs. Van Bommel:** OK. I move that section 9 of the bill, as amended, be further amended by adding the following subsection:

“Same

“(2) For the purposes of subsection (1), a provision in an official plan that relates to a matter specified under subclause 6(2)(d.1)(ii) does not conform with the greenbelt plan if it exceeds the requirements of the greenbelt plan or is more restrictive than a provision in the greenbelt plan.”

**The Chair:** Further discussion? All those in favour? All those opposed? I declare that carried.

Shall section 9, as amended, carry? All those in favour? That's carried.

The next section is section 10, a government motion.

**Ms. Mossop:** I move that clause 10(2)(a) of the bill be amended by striking out “Greenbelt Advisory Council” and substituting “Greenbelt Council.”

**Mrs. Van Bommel:** This is complementary to a motion that we have later. That seems a little backwards in a sense, but what we want to do is create a name change that reflects the broader role of the council in the implementation of the greenbelt.

**Mr. Hudak:** I'm fine with that. I know there are some subsequent ones like that. We do have some motions for particular additional advisory councils, but to change the name from the Greenbelt Advisory Council to the Greenbelt Council is fine. I think “may” and “shall” will be an issue that we'll get into shortly as well.

The other thing I think I'll say too, it's a quarter to 6 and we are making some pretty good progress. I may suggest that we just continue past 6. I think if we break from 6 to 7—we probably could get it done well before 7 o'clock. So if members are agreed, why don't we just work through 6 and maintain the momentum?

**The Chair:** Just so you know, supper has been ordered because it wasn't going this smoothly about 45 minutes ago. So supper is ordered anyway. I'm happy to work through.

On the motion that we have in front of us, 23, any further speakers? Seeing none, all those in favour of the motion? All those opposed? That's carried.



Shall section 10, as amended, carry? All those in favour? All those opposed? That's carried.

New section 10.1; Mr. Hudak.

**Mr. Hudak:** I move that the bill be amended by adding the following section:

"Reviews of official plans

"10.1(1) A municipal planning authority may review its official plan once every five years after the date the greenbelt plan comes into force to determine whether there is an adequate supply of land for industrial, commercial and residential needs in the applicable area and whether this is enough land to allow for job creation.

"Same

"(2) The minister shall have regard to a review performed under subsection (1) in determining whether to propose amendments to the greenbelt plan under section 11."

We heard from a number of municipalities, and I certainly did during my own greenbotch tour, that they're concerned that they may not have enough supply available at this point in time. They're all waiting for a chance to update their official plans to ensure that; Uxbridge being one, Grimsby being another. This will give them an opportunity to do so.

**The Chair:** No further speakers? Are members ready to vote? All those in favour of the motion? All those opposed? I declare that motion lost.

Section 11 is a government motion; Ms. Mossop.

**Ms. Mossop:** I move that clause 11(4)(a) of the bill be amended by striking out "Greenbelt Advisory Council" and substituting "Greenbelt Council."

**Mrs. Van Bommel:** Again relating to a later motion. It's a matter of consistency.

**The Chair:** No further speakers? Are members ready to vote? All those in favour of the motion? All those opposed? I deem that carried.

The next clause is Mr. Hudak.

**Mr. Hudak:** I move that clause 11(4)(c) of the bill be amended by adding "ensure that notice of the proposed amendment is published in a newspaper of general circulation in the area that would be affected by it and" at the beginning.

It's just a public notice provision to ensure that if an amendment is coming forward that impacts in the area or on particular landowners, they will have notice at least through a newspaper publication.

**The Chair:** No further speakers? Are members ready to vote?

**Mr. Hudak:** Recorded vote.

**The Chair:** A recorded vote has been requested.

**Ayes**

Churley, Hudak, Klees.

**Nays**

Duguid, Mossop, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

Shall section 11, as amended, carry? All those in favour? All those opposed? That's carried.

Clause 12(1)(b): Ms. Churley, I believe this motion is out of order.

**Ms. Churley:** That's because my very first one was voted down.

**The Chair:** Yes, so we can't deal with that one.

Subsection 12(2): You're up again.

**Ms. Churley:** I move that subsection 12(2) of the bill be struck out and the following substituted:

"Limitation

"(2) The minister shall not recommend a proposed amendment under clause (1)(a) if the proposed amendment would result in the removal of lands from the greenbelt area."

This, of course, is the same as the motion we talked about before, dealing with making the greenbelt boundaries permanent. As you know, I tried to do that in a previous amendment and it was voted down, so now we don't have a permanent greenbelt; we've got a floating greenbelt. This attempts to deal with that again.

1750

**The Chair:** I have no other speakers.

**Ms. Churley:** Recorded, please.

**Ayes**

Churley.

**Nays**

Duguid, Mossop, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

Shall section 12 carry? All those in favour? All those opposed? That carries.

Section 12.1; Ms. Churley.

**Ms. Churley:** I move that the bill be amended by adding the following section:

"Selection of hearing officer

"12.1 In appointing a hearing officer under clause 12(1)(b) or under subsection 18(5), the minister shall select a person from among the members of the Environmental Review Tribunal."

This was in anticipation of my amendment on the greenbelt tribunal dying a quick death. I seem to have been right about that. This is aimed at at least having the appointed hearing officer, established in the act to potentially hold hearings into amendments to the greenbelt, be a member of the Environmental Review Tribunal.

The primary role of the Environmental Review Tribunal is adjudicating applications and appeals under various environmental and planning statutes. The tribunal hears applications and appeals under the Environmental Assessment Act, the Environmental Protection Act, the Ontario Water Resources Act and the Pesticides Act, and leave to appeal applications under the Environmental Bill of Rights, 1993.

These are individuals with a lot of environmental expertise beyond natural resources expertise, and the skills and expertise in all kinds of areas that could come



before the—what are we calling it now?—hearing officer. I'm hoping that, given my other attempt to have experts be dealing with these appeals, we at least make sure that this person is appointed from an area where there's a lot of expertise.

**Mr. Hudak:** Our first best situation would have been if the tribunal that the official opposition proposed had passed; second, it would have been if Ms. Churley's tribunal had. Seeing that the two tribunals have been shot down, we have an ongoing concern about who may be appointed as a hearing officer. We've certainly heard from a number of groups, including Ontario Nature, Environmental Defence and others, and CONE—I'm getting a nod, a signal, from these ardent fans who are here into the evening. Given that the tribunals have been shot down, at the very least the minister should find members of the Environmental Review Tribunal when looking for a hearing officer. I will support this motion.

**Mrs. Van Bommel:** There's nothing in this bill that precludes the minister from going to the Environmental Review Tribunal for a hearing officer. I just feel that the minister should have the option of finding the best-qualified person to do the job.

**Ms. Churley:** I know we want to get through these motions, but come on. This is simple. We've stepped way back from my original tribunal motion, and this is still fairly broad in not asking to have somebody from CONE—God bless; I don't think you're going to do that—or Environmental Defence, who are sitting here. It's still fairly broad in terms of all of the acts I mentioned, which, if you look through them, deal with these kinds of issues all the time. I don't think the minister should have the option of appointing outside of this area where people do have the expertise.

I'm very, very concerned about upholding the integrity of the greenbelt, and so are some of the folks who are here and your own advisory council. This is quite a climb-down from what I originally asked for, but it would still go some way to addressing those concerns. Let me come back to the fact that you may trust your minister to do the right thing—and perhaps he will; I don't know—but this is our opportunity to make sure that whoever is in government, whoever is the minister, we can ensure that the person appointed will come from one of these areas of expertise in not only the environment but in natural resources, conservation, all of those things that are so key.

**The Chair:** Are the members ready to vote?

**Ms. Churley:** Recorded, please.

**The Chair:** A recorded vote has been requested.

#### Ayes

Churley, Hudak.

#### Nays

Duguid, Mossop, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

Subsections 13(1), (3), (4), (5) and (6) are out of order.

The remaining motion would be subsection 13(7), page 35. Ms. Churley, you have the floor.

**Ms. Churley:** I move that subsection 13(7) of the bill be struck out and the following substituted:

“Limitation

“(7) The minister shall not recommend a proposed amendment under subsection (6) if the proposed amendment would result in the removal of lands from the greenbelt area.”

I'm coming back again—this is self-explanatory—trying to prevent the government from making a huge mistake today and coming out of here having a floating greenbelt, not a permanent greenbelt.

**The Chair:** Having no other speakers, are the members ready to vote?

**Ms. Churley:** Recorded vote, please.

**The Chair:** Mr. Klees, are you voting, or are you requesting to speak?

**Mr. Klees:** I'm requesting to speak.

**The Chair:** Sorry. I'm trying to move right along. I thought maybe it was a cry for help. Mr. Klees, you have the floor.

**Mr. Klees:** I don't know if any other members of the committee are noticing this, but there is a trend developing in that these amendments being proposed by the opposition parties are not being adopted. We could save ourselves an awful lot of time by simply recognizing that on the record, that we appear to be wasting our time even proposing them. We could just deal with all the opposition motions collectively and get it done. There seems to be absolutely no movement on the part of the government to accept any of these amendments, all of which—well, certainly ours—would add a great deal to this legislation. I just make that point. I don't know if you've noticed that trend, Madam Chair, but for the record, I felt I had to at least state it.

**Ms. Churley:** This is my last kick at the can in this area, and it's so fundamental to this bill, absolutely key. You can't have what you call a permanent greenbelt should you allow the bill to go ahead without this amendment. It is a last opportunity to come out of here today having fixed this loophole. The amendment that the government brought forward—we went into that—doesn't do it. It doesn't change the substantive issue, and, as I pointed out, the greenbelt boundaries are not permanent. They are not permanent. I sound like the Attorney General on pit bulls: bam, bam, bam. The greenbelt will not be permanent. It will not be permanent. It will not be permanent. It will be a floating greenbelt. The boundaries can be moved around—the ministerial amendment—as long as the total land area of the greenbelt does not change. This allows for the potential substitution of lands and the ability to move lands in and out of the greenbelt, opening the boundaries to political interference and speculation by developers.

1800

This is absolutely key to this bill. I made a whole bunch of other amendments which are important and



critical, including that the necklace and a whole bunch of other areas be included. The government members say there's still an opportunity to put these in. I'm living with that today and will continue to focus and pressure the government under the regulations to include those lands. However, if we do not fix this today in this committee, we're going to walk out of here tonight without a permanent greenbelt. We're going to walk out of here with what I call a floating greenbelt. It just belies everything you're saying about this greenbelt. I still hope that some other lands will be included.

You know I'm supportive of a greenbelt; I always have been. I want to work to try to improve it. I know I still have the opportunity to do that between now and March 9. Believe me, you will be hearing from me and I'm sure from a lot of other folks who came to recommend that those lands be included.

But this is now. This is now, tonight. We must make this amendment or it's such a glaring—I guess it's not a glaring mistake. It's a loophole that's put there deliberately to allow this to happen, and that's very disappointing. I do hope you will agree to support this amendment now, to fix this awful, glaring problem with the legislation.

**The Chair:** Are the members ready to vote on this issue? A recorded vote has been requested.

#### Ayes

Churley.

#### Nays

Duguid, Mossop, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

Shall section 13 carry? All those in favour? All those opposed? That carries.

Committee, I would just remind you that you have indicated you would like to get through this bill, but we're not even at the halfway point. Is there still a desire to work through your dinner hour?

**Mr. Hudak:** Yes.

**Ms. Churley:** Yes.

**Mr. Klees:** Yes.

**The Chair:** Section 14: Shall it carry? All those in favour? All those against? That's carried.

Section 14.1: Ms. Churley, you put in a motion. I believe it's out of order, so I can't deal with that one.

Mr. Hudak, your motion 14.1.

**Mr. Hudak:** 14.1: I move that the bill be amended by adding the following section:

"Interpretation

"14.1(1) In this section,

"Minister" means the Minister of Agriculture and Food.

"Establishment of agriculture plan

"(2) The minister shall establish an agriculture support plan for all of the greenbelt area.

"Same

"(3) In developing the agriculture support plan, the minister shall have regard to,

"(a) the GTA agricultural action plan; and

"(b) the report of the Niagara agricultural task force.

"Endorsement by farmers

"(4) The minister shall ensure that the agriculture support plan has received the endorsement of,

"(a) the Ontario Federation of Agriculture;

"(b) the Christian Farmers of Ontario;

"(c) the Grape Growers of Ontario;

"(d) the Ontario Tender Fruit Growers' Association;

"(e) the Ontario Fruit and Vegetable Growers' Association;

"(f) the Greenhouse Growers; and

"(g) any other association or group of farmers prescribed.

"Copies

"(5) The minister shall ensure that a copy of the agriculture support plan, as endorsed in accordance with subsection (4), and of every amendment to it is filed,

"(a) in the offices of the Ministry of Agriculture and Food;

"(b) with the clerk of each municipality that has jurisdiction in the greenbelt area;

"(c) in the offices of the Ministry of Municipal Affairs and Housing;

"(d) in the offices of the Ministry of Natural Resources; and

"(e) in the offices of the Niagara Escarpment Commission.

"Date of effect

"(6) The agriculture support plan takes effect on the day the greenbelt plan takes effect under subsection 3(5).

"Objectives

"(7) The objectives of the agriculture support plan are,

"(a) to recognize the critical importance of the agriculture sector to the regional economy;

"(b) to recognize that the application of this act and the greenbelt plan may adversely affect the viability of farming as a way of life in Ontario;

"(c) to ensure that farmers who want to continue farming are not unduly prevented from doing so by the application of this act and the greenbelt plan; and

"(d) any other prescribed objectives.

"Tabling of plan

"(8) The minister shall table the agriculture support plan required under subsection (2) in the Legislative Assembly on the day after the day this act receives royal assent if it is in session or, if not, at the beginning of the next session."

To be honest, I'm not optimistic this will pass. I had a much more modest amendment earlier that was defeated by the government members, and this is a bold, far-reaching plan to support farmers in the greenbelt area. We've tried to do our best to encapsulate the recommendations we got from farmers who came before the committee into one powerful motion. We believe that the minister must have a plan to support farmers within the



greenbelt, and the agricultural task force has recommended such.

We heard over and over again that to save the farm, you have to save the farmer. If greenbelt farmers are unable to farm profitably, they'll simply let their land go fallow and there'll be tremendous pressure in the future to develop that land for housing or industry or other such uses. We believe fundamentally that the greenbelt must include a solid, thoughtful, provincially funded plan to support the economic viability of the farm. I believe that is supported universally by agriculture groups and others who have come to this committee.

If government members want to make amendments to this, I'd be amenable to that, as long as we ensure that there is an agriculture support plan enshrined in this legislation.

**Mrs. Van Bommel:** Certainly I thank you for the support of agriculture, but the bill is intended to be enabling legislation for land use planning. I'll stand by what I said earlier when we discussed this: I don't believe this is the appropriate vehicle to address the issue.

**Mr. Hudak:** I won't belabour it, because the parliamentary assistant and I have had a lot of debate on this today and throughout the committee hearings. I just want to reinforce that we fundamentally believe, and believe universally from agriculture groups, that an economic support plan is necessary for greenbelt farmers for this legislation to be successful. It is just. It is the right thing to do. I do hope we win support for this motion. It addresses one of the key, if not the most important, fatal flaws of the legislation. We've done our best to take any advice of the groups we've heard from and we hope it does pass.

**The Chair:** No further speakers? Are members ready to vote?

**Mr. Hudak:** Recorded vote.

#### Ayes

Hudak.

#### Nays

Duguid, Matthews, Mossop, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

Section 14(2); Mr. Hudak.

**Mr. Hudak:** I move that the bill be amended by adding the following section:

"Interpretation

"14.2 (1) In this section,

"'Minister' means the Minister of Public Infrastructure Renewal.

"Proposed growth plan

"(2) The minister shall prepare a proposed growth plan for the part of Ontario known as the Golden Horseshoe.

"Same

"(3) For greater certainty, if Bill 136 receives royal assent on or before the day this act receives royal assent, a proposed growth plan prepared by the minister for the

purposes of that act and for which the minister has given notice in accordance with subsection 7(1) of that act, as that subsection read in the first reading version of the bill, may be treated as a proposed growth plan for the purposes of this section if the plan is for an area that includes all of the Golden Horseshoe.

"Same

"(4) If Bill 136 does not receive royal assent on or before the day this act receives royal assent or the minister has not prepared a proposed growth plan under that act on or before the day this act receives royal assent, the proposed growth plan required under subsection (2) shall be prepared in accordance with Bill 136 and sections 5 to 8 of that act, as they read in the first reading version of the bill, apply with necessary modifications for the purposes of this act.

"Tabling of plan

"(5) The minister shall table the proposed growth plan required under subsection (2) in the Legislative Assembly on the day after the day this act receives royal assent if it is in session or, if not, at the beginning of the next session."

One of the other fatal flaws we've identified in this legislation, supported by a significant number of groups, including the Ontario Chamber of Commerce, the Ontario Professional Planners Institute and a number of municipalities, is that it's essential that a transportation and infrastructure strategy be in place to complement the greenbelt initiative. We need to ensure that we support those municipalities within the greenbelt and have a plan to help those in the leapfrog area. Ideally, they should proceed hand in hand. We've heard that from a large number of groups. This amendment, if passed, will ensure that the growth plan is simultaneous with the greenbelt plan.

**Mr. Rinaldi:** I'll just restate what I said before on one of the previous amendments. Bill 136 is going through. There are discussion papers. The member opposite and members of the public have had ample opportunity to review Bill 136 before it comes to the House—and it will come to the House very shortly, hopefully this month. They'll see the similarities, where the lines match. I'll go back to the argument of putting the horse before the cart or the cart before the horse. We really need to move on with this legislation and not procrastinate, as has been done for God knows how many years. We've started going down this road and we need to carry on. I can't support another, "Wait, wait, wait, wait."

1810

**The Chair:** No further speakers? Are the members ready to vote?

**Mr. Hudak:** Recorded vote.

#### Ayes

Hudak, Klees.

#### Nays

Duguid, Matthews, Mossop, Rinaldi, Van Bommel.



**The Chair:** I declare that motion lost.

The next motion is yours, Mr. Hudak; section 14.3.

**Mr. Hudak:** I move that the bill be amended by adding the following section:

“Establishment of municipalities support plan

“14.3 (1) The minister shall establish a municipalities support plan for all of the greenbelt area.

“Copies

“(2) The minister shall ensure that a copy of the municipalities support plan and of every amendment to it is filed,

“(a) in the offices of the Ministry of Municipal Affairs and Housing; and

“(b) with the clerk of each municipality that has jurisdiction in the greenbelt area.

“Date of effect

“(3) The municipalities support plan takes effect on the day the greenbelt plan takes effect under subsection 3(5).

“Objectives

“(4) The objectives of the municipalities support plan are,

“(a) to recognize the critical importance of municipalities to the regional economy;

“(b) to recognize that the application of this act and the greenbelt plan may adversely affect the ability of municipalities to grow and develop infrastructure;

“(c) to recognize that the application of this act and the greenbelt plan may adversely affect the ability of municipalities to effectively raise revenue and manage financial resources;

“(d) to provide ongoing financial support to municipalities whose ability to grow is adversely affected by the application of this act and the greenbelt plan;

“(e) to provide ongoing financial support to municipalities whose ability to effectively raise revenue and manage financial resources is adversely affected by the application of this act and the greenbelt plan; and

“(f) any other prescribed objectives.

“Tabling of plan

“(5) The minister shall table the municipalities support plan required under subsection (2) in the Legislative Assembly on the day after the day this act receives royal assent if it is in session or, if not, at the beginning of the next session.”

This is another fatal flaw that we have highlighted in the government's approach. We need a municipalities support plan, and I hope the government members will support it.

**The Chair:** Seeing no speakers, are the members ready to vote?

**Mr. Hudak:** Recorded vote.

#### Ayes

Hudak, Klees.

#### Nays

Duguid, Matthews, Mossop, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

The next motion is yours, Mr. Hudak; subsection 15(1). Congratulations, committee, we're at the halfway point.

**Mr. Hudak:** I move that subsection 15(1) of the bill be amended by striking out “may” and substituting “shall”.

The greenbelt advisory council is too important not to be mandated in legislation. I know the government has a similar motion. I hope they will support me in making the Greenbelt Council mandatory.

**Mrs. Van Bommel:** We certainly will be happy to support this motion. I think we all agree that a greenbelt council should be mandatory.

**The Chair:** No further discussion? Are the members ready to vote? All those in favour of the motion? All those opposed? That's carried.

**Mrs. Van Bommel:** On a point of order, Madam Chair: In light of what we've just done, I would like to withdraw motion 41 and substitute the following:

I move that subsection 15(1) of the bill be amended by striking out “the greenbelt advisory council, and in French as”—I sincerely apologize for my French—“conseil consultatif de la ceinture de verdure” and substituting “the Greenbelt Council and in French as conseil de la ceinture de verdure.”

**The Chair:** Any debate? Seeing no debate, are the members ready to vote on this motion? All those in favour of the motion? All those opposed? That's carried.

Ms. Churley, you have subsections 15(1) and (2); that's page 42. I've been told it's out of order, based on the last decision we made, because we just carried the motion—unless we separate a portion of it out.

**Ms. Churley:** Can we stand it down for a minute and let me figure out what I want to do with it?

**Mr. Hudak:** If I can jump in, my colleague Mr. Klees brought this up earlier. He pointed out, and I have researched it and agree with him, that with a couple of exceptions, a pattern has been established. Government members tend to win most of the votes. I don't know if there is capacity, through you, Chair, or through the clerk, for block voting on the remaining amendments—

**The Chair:** They have to be read into the record.

**Mr. Hudak:** Just in the interest of time, do we have an option to read them into the record and then do a block vote?

**The Chair:** I guess we could.

**The Clerk of the Committee:** As long as we can determine what everybody is voting on, so it's safer just to read it and then vote. We don't want any discrepancy.

**Mrs. Van Bommel:** In the interest of due diligence and the democratic process, I feel we need to deal with each motion one at a time.

**Mr. Klees:** If we're truly going to speak about the democratic process, it would be refreshing to see some of the government members break ranks and actually vote with some sense of doing the right thing, as opposed to just being whipped into shape.



**The Chair:** Committee, I'm trying to understand where we are. Ms. Churley, are you happy to deal with 42 yet?

**Ms. Churley:** Yes.

**The Chair:** OK. How about we go back to 42 and try to make our way through this? We're at the halfway point.

**Ms. Churley:** I appreciate this opportunity. Thanks to the clerk for helping me so I understand what I'm doing. It's 15(1) that's out of order. I'm going to move that subsection 15(2) of the bill be struck out and the following substituted:

"Same

"(2) Within six months of the day this section comes into force, the minister shall appoint nine persons to the council as follows:

"1. Eight persons representing the various regions of the greenbelt area.

"2. One person as chair of the council.

"Terms of reference

"(2.1) The minister shall fix the terms of reference of the council."

**The Chair:** I have no speakers to this. Are the members ready to vote? All those in favour of the motion? All those opposed? That's lost.

Subsection 15(2): Mr. Klees, I believe you're the only member who can read this motion.

**Mr. Klees:** I move that subsection 15(2) of the bill be struck out and the following substituted:

"Same

"(2) Subject to the requirements set out in subsection (2.1), the minister may make appointments to the council and fix the terms of reference of the council.

"Membership of council

"(2.1) The following groups shall be represented in the membership of the council:

the scientific community, the aggregate sector, planners, environmentalists, municipal officers, the development community, farmers, ratepayers and landowners in the greenbelt area."

**The Chair:** Are members ready to vote? All those in favour? All those opposed? I declare that motion lost.

Ms. Churley, you have the final section.

**Ms. Churley:** I move that section 15 of the bill be amended by adding the following subsections:

"Annual report

"(4) The council shall prepare an annual report relating to the implementation of the greenbelt plan and on whether or not the objectives of the greenbelt plan set out in section 5 are being met.

"Same

"(5) The council shall table its annual report in the Legislature each year on the anniversary of the day this section comes into force."

**1820**

This is self-explanatory. It's about public accountability and transparency. That's all the explanation you need. That's missing from the bill, and I think this is important to bring into the bill.

**The Chair:** No further debate? Are the members ready to vote?

**Ms. Churley:** Could I have a recorded vote?

**Ayes**

Churley.

**Nays**

Duguid, Matthews, Mossop, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

Shall section 15, as amended, carry? All those in favour? All those opposed? That's carried.

Mr. Klees, 15.1 and 15.2 are yours.

**Mr. Klees:** I move that the bill be amended by adding the following sections:

"Holland Marsh advisory committee

"15.1 (1) The minister shall establish a committee to be known as the Holland Marsh advisory committee.

"Same

"(2) The minister may appoint one or more persons to the committee and fix the terms of reference of the committee.

"Functions

"(3) The committee shall advise the minister on matters relating to specialty crops and this act.

"Niagara advisory committee

"15.2 (1) The minister shall establish a committee to be known as the Niagara advisory committee.

"Same

"(2) The minister may appoint one or more persons to the committee and fix the terms of reference of the committee.

"Functions

"(3) The committee shall advise the minister on matters relating to the unique nature of the tender fruit areas and this act."

**Mrs. Van Bommel:** As the legislation stands at this point, nothing would prevent the minister from appointing committees, but setting out exactly how committees should be named, setting them out exactly, is too prescriptive at this stage. The way it is written into the legislation at this point leaves more flexibility.

**Mr. Hudak:** I'm sorry; I had stepped out. I appreciate Mr. Klees's moving the motion on the official opposition's behalf.

We heard from a number of groups about the importance of a Niagara advisory committee during the hearings in Grimsby, if I recall, from the grape growers, the tender fruit, the OFA North, the region and perhaps other municipalities as well. It's certainly been in the media as well as the committee hearings. I thought it was a good amendment, a very good idea, and I wanted to bring it forward on their behalf.

Then that posed the question, what about the other specialty crop area, the Holland Marsh? I thought, to use Ms. Churley's expression, what's good for the goose is



good for the gander, and therefore Holland Marsh should similarly have an advisory committee. I think this would be of enormous benefit to the minister, to have specially focused individuals to ensure that greenbelt policies are successful in the specialty crop areas. Therefore, I believe this is an important amendment and one that I hope I will get some support from across the floor.

**Mrs. Van Bommel:** We'd be very happy to take these recommendations to the minister in terms of the establishment of advisory committees. I heard the same things you did, and I feel it's very important, but like I said, I think we should give the minister the flexibility needed to establish advisory committees based on the need at the time.

**The Chair:** No further speakers?

**Mr. Hudak:** Recorded vote.

#### Ayes

Churley, Hudak, Klees.

#### Nays

Duguid, Matthews, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

Mr. Hudak, you're up again with 15.3.

**Mr. Hudak:** I move that the bill be amended by adding the following section:

"Establishment of an environmental benefits task force  
"15.3 (1) The minister shall establish an environmental benefits task force.

"Same

"(2) The Lieutenant Governor in Council may, on the recommendation of the minister, appoint members to the task force and may, by regulation, prescribe the terms of reference of the task force.

"Same

"(3) The members appointed under subsection (2) shall examine environmental incentive models used in other jurisdictions to,

"(a) encourage farmers to adhere to environmentally friendly practices; and

"(b) ensure viable farming for the protection of clean water and fresh air.

"Regulations

"(4) The Lieutenant Governor in Council may make regulations that, in the opinion of the Lieutenant Governor in Council, are necessary to the effective functioning of the Environmental Benefits Task Force."

This comes from the Christian Farmers. We've worked with them to try to get an intriguing idea on to the government's agenda. Farmers contribute significantly to the environmental protection of our land by helping provide clean air and ensuring that we have clean water. At the same time, it's vital to ensure that farmers can continue farming their land. I'd ask the government to investigate this interesting idea that we've heard from the Christian Farmers of Ontario. Also, I believe the

OFA, in referencing Pennsylvania, had some similar suggestions.

**Ms. Churley:** I want to speak briefly in support of this. I have the submission from the Christian Farmers in front of me. They gave a very good presentation, with really good recommendations, so I will speak in favour of this motion.

**Mrs. Van Bommel:** I haven't gotten through all the information that was given to us, but I have certainly looked at that particular Pennsylvania program with great interest. I know that in this province we are also looking at farmland trusts and all those kinds of possibilities. But as much as I support what is being proposed here, I still think it isn't within the scope of this bill. This is enabling legislation, so I think we need to deal with the land use planning issues this bill addresses.

**The Chair:** Are the members ready to vote?

**Mr. Hudak:** Recorded vote.

#### Ayes

Churley, Hudak, Klees.

#### Nays

Duguid, Matthews, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

Mr. Hudak, I believe you're up next, with section 15.4

**Mr. Hudak:** I move that the bill be amended by adding the following section:

"Establishment of land trust task force

"15.4(1) The minister shall establish a land trust task force.

"Same

"(2) The Lieutenant Governor in Council may, on the recommendation of the minister, appoint members to the task force and may, by regulation, prescribe the terms of reference of the task force.

"Objectives

"(3) The objectives of the land trust task force are,

"(a) to document the ways in which the application of this act and the greenbelt plan will result in diminished farmland in Ontario;

"(b) to ensure that there is enough farmland maintained in Ontario so that the agriculture and food needs of the province will be met in this and future generations;

"(c) to develop a land trust model that would allow the province to hold farmland that would otherwise be at risk of being sold to non-farming interests in trust for the people of Ontario;

"(d) to develop a strategy by which farmers who would otherwise discontinue farming as a result of the application of this act and the greenbelt plan could continue farming on the farmland held in trust by the province; and

"(e) to make recommendations to the minister on any matter that is described in this subsection or that is set out in the terms of reference of the task force.



“Regulations

“(4) The Lieutenant Governor in Council may make regulations that, in the opinion of the Lieutenant Governor in Council, are necessary to the effective functioning of the land trust task force.”

We heard from the Ontario Land Trust about the importance of this notion. A number of other agricultural and environmental groups have talked about land trusts. As well, the Greenbelt Task Force asked the government to pursue them. This will enshrine it in legislation. I look forward to the report of the Land Trust Task Force.

**Ms. Churley:** This one is kind of ironic. I support a land trust idea, but the New Democratic government brought in something called the Niagara tender fruit lands program, which actually was designed as a trust fund that would have paid tender fruit farmers to stay on the land and not sell to developers, but the Tories killed it in 1996. I'm glad to see you've come back into the tent and now support trust funds. I think they're absolutely key and critical. If I'm not mistaken, I believe there were some lawsuits over that, because they were about to be paid out when the Tories cancelled the program. It was a very good program, and it was the beginning, we thought, of expanding that into other trust funds, but they killed it. This might be the beginning of bringing the trust fund idea back, because it was just the beginning and we need to go further.

Obviously, I support the main thrust of this amendment, but I've got some problems with (3)(a), where it says, “to document the ways in which the application of this act and the greenbelt plan will result in diminished farmland in Ontario.” I'd rather have it say that it would affect farming in Ontario, because that's a value judgment there, if that could be amended.

But the other one may be more problematic: “to develop a land trust model that would allow the province to hold farmland that would otherwise be at risk of being sold to non-farming interests in trust for the people of Ontario.”

1830

**The Chair:** Ms. Churley, could you help us? You're moving a little quickly. Are you amending this motion?

**Ms. Churley:** Well, I seem to have support for amending (3)(a) and changing the wording from where it now says “will result in diminished farmland in Ontario” to “and the greenbelt plan will affect farming in Ontario.”

**The Chair:** Can you read the wording of how you would change it?

**Ms. Churley:** I'll try, if I can still read. It's (3)(a).

“(3) The objectives of the land trust task force are,

“(a) to document the ways in which the application of this act and the greenbelt plan will affect farming in Ontario.”

That's it. I'm not sure if I'm amending (c), but if I can't fix this, I won't vote for it anyway and perhaps the amendment won't be necessary. What do you mean by (c)? Can I ask the mover of this amendment—

**The Chair:** First of all, can we just make sure we understand what you've requested to happen in (a)—

**Ms. Churley:** Can we hold off on that request until I get an answer? We may not need to go there.

**The Clerk of the Committee:** So we're not amending it right now?

**Ms. Churley:** Not right now. We might be. I'll let you know.

**Mr. Hudak:** Chair, it's the principle of the land trust in support of the greenbelt, so if they're friendly amendments, I'd be glad to entertain them. Clause (c) is simply trying to indicate that the land trust would hold farmland that may have been in jeopardy of being sold off. But if the member wants to eliminate the last clause, I'm fine with that. I'm just trying to define what a land trust does, and that's hold farmland that otherwise might not have stayed in active agricultural production.

**Ms. Churley:** Thank you for that explanation. I'm just looking at this and discussing it with staff. Although I support trust funds in general and want to see the tender fruit land program brought back, I have some problems with the wording in (d) as well. If it were earlier in the day and my head were on straighter, perhaps I could suggest amendments I could live with, but I don't think I'm going to do that. I'm just going to have to not support it because of concerns I have about some of the wording.

**Ms. Mossop:** Similar to Ms. Churley, I support the whole concept of the land, and there are a number of concepts we're touching on here that I really do support. But getting it right is also important, and I will be following up on ideas that have been brought forward in many of these motions, a land trust being one of them. You can see what we're trying to wrestle with here; this really isn't the place to do it. I agree with Ms. Churley. I feel the sense that's there, but I don't think this is going to do it. I will be moving forward. I want to assure the opposition members that many of their concerns are shared, but this just isn't quite the right format.

**The Chair:** Committee, I have two other speakers. We're still only at 15.4. I realize you want to move forward, but supper's next door. It's already 6:30, going on to 7 o'clock. If we took a half-hour break, I think we'd do much better work.

I'm suggesting that if you want to get through this one, we can keep going till we get to the end of this one, but I'm going to call a recess right after this one or right now so you can get your thoughts in order. I just don't think we're going to be that much more productive in the next 20 minutes.

**Mr. Klees:** What if we promise?

**The Chair:** No, you won't promise. You've promised already and you haven't gotten anywhere. I think I'm going to call a recess now.

**Ms. Churley:** Can we finish this one, though?

**The Chair:** You can, if you think you're really going to get there, but I have a sense—I see the cross-debate, and although I appreciate your desire to get there, personally, I think you can do better if you have some food and a few minutes of break.

**Ms. Churley:** I have a meeting in my riding tonight.



**The Chair:** But we're not going to get through this the way—if you want to get through this one, we can. OK. Mr. Hudak, you have the floor.

**Mr. Hudak:** I'll withdraw the amendment and instead simply move that the bill be amended by adding the following section:

"Establishment of land trust task force

"15.4(1) The minister shall establish a land trust task force.

"Same

"(2) The Lieutenant Governor in Council may on the recommendation of the minister appoint members to the task force and may, by regulation, prescribe the terms of reference of the task force."

**The Chair:** So the rest is not included?

**Mr. Hudak:** Exactly. I've deleted subsections (3) and (4).

**The Chair:** Any more discussion on this? Seeing none, all those in favour of the motion?

**Mr. Hudak:** Recorded vote.

**The Chair:** A recorded vote has been requested.

#### Ayes

Churley, Hudak, Klees.

#### Nays

Matthews, Mossop, Rinaldi, Van Bommel.

**The Chair:** I declare that motion lost.

I'm going to call a recess. We're recessed for half an hour. We're back just after 7.

*The committee recessed from 1837 to 1907.*

**The Chair:** We're back. Mr. Klees, you have 15.5. I understand you'd like to do a block reading. So 15.5 and 15.6 are both yours; you can do them in succession if you want, but you do have to read them.

**Mr. Klees:** I move that the bill be amended by adding the following section:

"Establishment of land value monitoring task force

"15.5(1) The minister shall establish a land value monitoring task force.

"Same

"(2) The Lieutenant Governor in Council may, on the recommendation of the minister, appoint members to the task force and may, by regulation, prescribe the terms of reference of the task force.

"Objectives

"(3) The objectives of the task force are

"(a) to monitor the value of farmland in the greenbelt area; and

"(b) periodically report to the minister on changes in the value of farmland in the greenbelt area.

"Regulations

"(4) The Lieutenant Governor in Council may make regulations that, in the opinion of the Lieutenant Governor in Council, are necessary to the effective functioning of the land value monitoring task force.

**The Chair:** We can vote on them separately. As long as it's not a recorded vote, we'll go fairly quickly.

All those in favour of the motion? All those opposed? That's lost.

**Mr. Klees:** I move that the bill be amended by adding the following section:

"MPAC review

"15.6(1) The Municipal Property Assessment Corp. shall examine value-added agricultural production with respect to this act and creating incentives to prevent farmers from discontinuing farming, including ways of lowering property tax assessments on value-added operations.

"Report

"(2) The Municipal Property Assessment Corp. shall report on its examination within 60 days of the day this act receives royal assent."

**The Chair:** Any discussion? All those in favour of the motion? All those opposed? That's lost.

The next one is a government motion.

**Ms. Mossop:** I move that subsection 16(3) of the bill be amended by striking out "with respect to lands within the greenbelt area" at the end and substituting "in respect of the areas designated as protected countryside in the greenbelt plan".

**The Chair:** Any debate?

**Mrs. Van Bommel:** This is simply a housekeeping issue.

**The Chair:** Are members ready to vote? All those in favour of the motion? That's carried.

Shall section 16, as amended, carry? All those in favour? All those opposed? That's carried.

Ms. Churley, subsection 17(2), page 51, is yours.

**Ms. Churley:** I move that subsection 17(2) of the bill be struck out. It's not clear why it's necessary.

**The Chair:** Any discussion? All those in favour? All those opposed? That's lost.

Shall section 17 carry? All those in favour? All those opposed? That's carried.

Ms. Churley, page 52 is yours, subsection 18(5).

**Ms. Churley:** I move that subsection 18(5) of the bill be struck out and the following substituted:

"Tribunal hearing

"(5) If the minister has given notice under subsection (1), the minister may, within 30 days after—"

**The Chair:** Sorry. This isn't one I had marked, but it is out of order.

**Ms. Churley:** Did you notice my delighted tone of voice? "She's letting me get away with it. Let's go for it."

**The Chair:** It was a test. You didn't fool me. It's out of order, and 53 is out of order, as are 54 and 55. So shall section 18 carry?

**Mr. Klees:** Chair, I think you've skipped over my notice.

**The Chair:** It's just a notice.

**Mr. Klees:** Well, I'd like to speak to it.



**The Chair:** You'd like to speak to the notice? Fine. We're at the point where you can debate it, prior to the vote.

**Mr. Klees:** We feel strongly that this section should be voted against by the committee. We feel that this entire section contains provisions that erode the rights of property owners. Of specific concern is the fact that it has been left unclear whether a property owner whose land falls within the greenbelt area, lands then taken for purposes of transportation, communication or other major services, continues to be protected by the expropriation laws.

Perhaps before we proceed I could ask the parliamentary assistant to clarify for the record whether the expropriations laws and all the protections a landowner in this province have would continue to apply to lands contained within the greenbelt area.

**Mrs. Van Bommel:** Section 18 addresses the minister's ability to stay matters before the OMB and joint boards. The question about expropriation has come up, so I'm going to defer to our legal counsel for an explanation.

**Mr. Shachter:** I don't think section 18 of the bill refers to expropriation powers. There is a reference to a limitation of liability with respect to claims from injurious affection or expropriation under the act, I believe in section 19. Section 18, currently before this committee, relates to the minister's stay powers. I'd certainly be pleased to explain it if you require.

**Mr. Klees:** I don't want to prolong the proceedings. Now that staff is prepared to speak to this, I would simply like to have a clarification, for the record, on this issue of whether or not a property owner whose land falls within the designated greenbelt area has all the rights afforded to the property owner under the Expropriations Act.

**The Chair:** Mr. Klees, do you need it today, or do you need something—

**Mr. Klees:** I would prefer to have it now for the record, and we can move on. It should be fairly straightforward.

**Mr. Shachter:** I'm pleased to answer. I'm just a little confused—I apologize—because I'm not sure where in section 18 it relates to, but if you could point it out to me, I would certainly be happy to speak to it for you.

**Mr. Klees:** My concern is that throughout section 18, there are several references to the fact that the minister has certain powers and can call for suspension, that his decision is final. The implication and the fear is there that somehow all these powers and the authority vested in the minister set aside the rights under the Expropriations Act. I want to have clarification: Regardless of what section 18 says, given what interpretations may be placed into this section, we should have that clarification on the record. I'm watching the body language of my colleagues in the government who are nodding. I think they understand what I'm requesting and would probably also benefit from this clarification.

**Mr. Shachter:** As you are aware, I can't speak to the political aspect of your question, but certainly—

**Mr. Klees:** The last thing I want is a political answer.

**Mr. Shachter:** You're not the only one.

With respect to section 18, as you've indicated, it does provide an authority for the minister to stay hearings currently before the Ontario Municipal Board. In terms of some insight into the rationale behind this particular provision, it is a provision that's consistent with what currently exists in the Oak Ridges Moraine Conservation Act. It was intended that the two provisions would work together in harmony in terms of one dealing with the Oak Ridges moraine area and the other dealing with the greenbelt plan area. You'll note that the effect of that section is to suspend a hearing that would be currently before the Ontario Municipal Board and gives the authority for the minister to then have a hearing officer hear that particular matter.

Hopefully, I've been able to clarify that for you. No? Then I apologize. I'm not sure I'm understanding the question as it relates to section 18.

**Mr. Duguid:** You're thinking of section 19.

**Mr. Klees:** Well, I'm asking the question specifically here, because there are some implications. If the parliamentary assistant is asking me to wait to get the clarification I'm asking for now until we're dealing with section 19, I'm happy to do that.

**Mrs. Van Bommel:** That's what we're asking. I think 19 might be more pertinent to that particular issue.

**Mr. Klees:** Then let's move on.

**The Chair:** There being no further debate, shall section 18 carry? All those in favour? All those opposed? That's carried.

Section 19: Mr. Klees, 19(6) is your motion, page 56.

**Mr. Klees:** I move that subsection 19(6) of the bill be struck out.

**The Chair:** Any discussion? Would the parliamentary assistant like to deal with the previous issue that Mr. Klees brought up?

**Mrs. Van Bommel:** We want to go back to the issue of expropriation, I understand.

**Mr. Klees:** I would appreciate getting that explanation.

**Mrs. Van Bommel:** You would like an explanation of property owners' rights under the Expropriations Act and the Greenbelt Act and how they relate to each other.

**Mr. Shachter:** There are two separate issues that have arisen. Let me just speak to subsection 19(6) first of all, if I may. It deals with claims for injurious affection or expropriation under the Expropriations Act. It is part of section 19, which deals with limitations of liability. Again, this is a provision that's consistent with what was done in the Oak Ridges Moraine Conservation Act. A provision such as this, because it limits liability, requires a certain level of specificity in order to be effective. In other circumstances, it might only be necessary to refer to matters such as claims in general. Because it's a limitation of liability, one has to be that clear, that it includes those types of claims as well, for matters done under this



act. It references back to the proposed Greenbelt Act and the plan and the regulations. It's not intended to take away from any existing property rights that exist under the Expropriations Act. It's not intended to take away from processes that occur under, for example, the Environmental Assessment Act.

Does that assist, Mr. Klees?

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**Mr. Klees:** It will assist me if I get an affirmative response to a clarification that I will seek now. Here's a specific example. I have property designated within the greenbelt area. The government effectively expropriates lands within the greenbelt area for a transportation or a communications corridor. I, as a property owner, continue to have all of the rights available to me under the Expropriations Act. Is that correct?

**Mr. Schacter:** That's correct.

**Mr. Klees:** Thank you very much.

**The Chair:** Are the members ready to vote? All those in favour of the motion? All those opposed? That is lost.

Shall section 19 carry? All those in favour? All those opposed? That's carried.

Shall section 20 carry? All those in favour? All those opposed? That's carried.

Section 21: Mr. Klees, you might want to speak against this section. I understand that you have a notice.

**Mr. Klees:** Oh, is that what I had the notice for?

**The Chair:** Yes. I just thought I'd help you out.

**Mr. Klees:** Thank you very much. It wasn't in my material. In that case, I would urge the committee to vote against this section.

**The Chair:** Thank you. No further debate? All those in favour of section 21 carrying? All those opposed? That's carried.

Subsection 22(1): There's a government motion.

**Ms. Mossop:** I move that subsection 22(1) of the bill be amended by adding the following clause:

"(d) prescribe applications, matters or proceedings for the purposes of subsections 24(1) and (3) and prescribe policies for the purposes of subsection 24(3)."

**The Chair:** Mrs. Van Bommel, did you want to speak to the motion?

**Mrs. Van Bommel:** This is to ensure that it is the Lieutenant Governor in Council that has the authority to make regulations for the transition and grandfathering applications in the greenbelt, because many ministries would be impacted.

**The Chair:** Any further debate? Seeing none, are the members ready to vote? All those in favour of the motion? All those opposed? That's carried.

Shall section 22, as amended, carry? All those in favour? All those opposed? That's carried.

Shall section 23 carry? All those in favour? All those opposed? That's carried.

Section 24; Ms Churley, page 58.

**Ms. Churley:** I move that section 24 of the bill be struck out and the following substituted:

"Transition

"24(1) Section 7 applies to decisions made on or after December 16, 2004, relating to areas designated as protected countryside in the greenbelt plan.

"Same

"(2) Section 7 does not apply to decisions made before December 16, 2004, relating to areas designated as protected countryside in the greenbelt plan.

"Same

"(3) Despite subsection (2), a decision referred to in that subsection that relates to such applications, matters or proceedings as may be prescribed shall conform to such policies of the greenbelt plan as may be prescribed."

The transition process is convoluted and potentially problematic, so this states that the rules applied should be the rules at the time of the decision. If you bear with me, you'll understand what the problem is here. Decisions prior to December 16, 2004, are not subject to the greenbelt plan, but decisions after December 16 are, so this amendment says that such matters as requests for official plan amendments prior to December 16 but decided after December 16 must conform to the greenbelt plan. Decisions regarding applications, matters or proceedings should be based on the rules in place at the time of the decision, not at the time of the receipt of an application or request, if you get my drift. This amendment should be adopted in order to prevent a potential rush of speculative applications prior to the adoption of the final greenbelt plan. The concern here is that gap: There could be a real rush of speculative applications, and this would close that gap, that loophole.

**Mrs. Van Bommel:** If we go with this motion, we're going to create uncertainty as to the status of some existing municipal decisions that have already been made, so I would be opposed to supporting this motion.

**The Chair:** All those in favour of the motion? All those opposed? That's lost.

Subsection 24(1); a government motion.

**Ms. Mossop:** I move that subsection 24(1) of the bill be amended by adding "except as may be otherwise prescribed" at the end:

**Mrs. Van Bommel:** This provision is intended to work in conjunction with clause 6(1)(d) and recognizes that certain applications may be more appropriately handled in the transition.

**The Chair:** All those in favour of the motion? All those opposed? That motion is carried.

Shall section 24, as amended, carry? All those in favour? All those opposed? That's carried.

Section 25(1), subsection 6(1).

**Ms. Mossop:** I move that subsection 6.1(2.2) of the Niagara Escarpment Planning and Development Act, as set out in subsection 25(1) of the bill, be amended by striking out "No person shall" at the beginning and substituting "No person or public body shall".

**Mrs. Van Bommel:** This is a housekeeping issue, to ensure that there's consistency in the use of the phrase "public body" in this section of the bill.



**The Chair:** Any further debate? Are the members ready to vote? All those in favour of the motion? All those opposed? That's carried.

Ms. Mossop?

**Ms. Mossop:** I move that clause 19(1)(a) of the Niagara Escarpment Planning and Development Act, as set out in subsection 25(3) of the bill, be amended by striking out "of the schedule to regulation 684 of the Revised Regulations of Ontario, 1980" and substituting "of the schedule to regulation 684 of the Revised Regulations of Ontario, 1980 (as the schedule read on December 31, 1990)".

**Mrs. Van Bommel:** This again is a housekeeping issue and is intended to clarify the description.

**The Chair:** Any further discussion? Are the members ready to vote? All those in favour of the motion? All those opposed? That motion is carried.

Shall section 25, as amended, carry? All those in favour? All those opposed? That's carried.

Section 26; Ms. Mossop.

**Ms. Mossop:** I move that section 26 of the bill be amended by adding the following subsection:

"(3) Clause 23(1)(f) of the act, as amended by the Statutes of Ontario, 2002, chapter 17, schedule F, table, is repealed and the following substituted:

"(f) require specified lower-tier municipalities and single-tier municipalities with jurisdiction in the Oak Ridges moraine area to pass bylaws under section 135 or 142, or both, of the Municipal Act, 2001, and specify the municipalities and the bylaw provisions;

"(f.1) prescribe powers that must be exercised by municipalities in making a bylaw referred to in clause (f) that are additional to those powers set out in section 135 or 142 of the Municipal Act, 2001;"

**Mrs. Van Bommel:** This is intended to harmonize the tree-cutting and site alteration regulation-making provisions of the Oak Ridges Moraine Conservation Act with those of the greenbelt bill.

**The Chair:** Any further discussion? Are the members ready to vote? All those in favour of the motion? All those opposed? That motion is carried.

Shall section 26, as amended, carry? All those in favour? All those opposed? That's carried.

Section 27; Ms. Mossop.

**Ms. Mossop:** I move that clause 22.1(1)(a) of the Ontario Planning and Development Act, 1994, as set out

in section 27 of the bill, be amended by striking out "of the schedule to regulation 684 of the Revised Regulations of Ontario, 1980" and substituting "of the schedule to regulation 684 of the Revised Regulations of Ontario, 1980 (as the schedule read on December 31, 1990)".

**Mrs. Van Bommel:** This is a housekeeping detail to add clarity to the description.

**The Chair:** Any further debate? Are the members ready to vote? All those in favour of the motion? All those opposed? That motion is carried.

Shall section 27, as amended, carry? All those in favour? All those opposed? That's carried.

Section 28; Ms. Mossop.

**Ms. Mossop:** I move that subsections 28(2) and (3) of the bill be struck out and the following substituted:

"Same

"(2) Sections 1 to 27 shall be deemed to have come into force on December 16, 2004."

**Mrs. Van Bommel:** This again is just to clarify that the proposed Greenbelt Act comes into force on December 16, 2004.

**The Chair:** Are members ready to vote? All those in favour of the motion? All those opposed? That motion is carried?

Shall section 28, as amended, carry? All those in favour? All those opposed? That's carried.

Shall section 29 carry? All those in favour? All those opposed? That's carried.

Shall the title of the bill carry? All those in favour? All those opposed? That's carried.

Shall Bill 135, as amended, carry? All those in favour? All those opposed? That's carried.

Shall I report the bill, as amended, to the House? All those in favour? All those opposed? That's carried.

This concludes the committee's consideration of Bill 135. I'd like to thank my colleagues on the committee for their work on the bill and their staying power. Good for you. The committee would like to thank the ministry staff and the members of the public who have contributed to the committee's work.

**Ms. Churley:** On behalf of the entire committee, I wanted to thank you, the Chair, who did a superb job of keeping us in order. I think it's important to put that on the record.

**The Chair:** Thank you very much. We are adjourned.  
*The committee adjourned at 1933.*











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# Official Report of Debates (Hansard)

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# Journal des débats (Hansard)

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## Standing committee on general government

City of Ottawa  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GENERAL GOVERNMENTCOMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES

Wednesday 2 March 2005

Mercredi 2 mars 2005

*The committee met at 1007 in room 151.*CITY OF OTTAWA  
AMENDMENT ACT, 2005LOI DE 2005 MODIFIANT LA LOI  
SUR LA VILLE D'OTTAWA

Consideration of Bill 163, An Act to amend the City of Ottawa Act, 1999 / Projet de loi 163, Loi modifiant la Loi de 1999 sur la ville d'Ottawa.

**The Chair (Mrs. Linda Jeffrey):** Good morning. The standing committee on general government is called to order. We're considering Bill 163, An Act to amend the City of Ottawa Act, 1999, and we meet today for the purpose of clause-by-clause consideration of the bill. We'll now commence clause-by-clause consideration of the bill.

On section 1, we have an amendment. Mr. Bisson, would you like to read it?

**Mr. Gilles Bisson (Timmins–James Bay):** I move that section 11.1 of the act, as set out in section 1 of the bill, be struck out and the following substituted—just a point of order, before I actually move to that: Je n'ai pas mes copies en français. Elles sont où?

**Mr. John R. Baird (Nepean–Carleton):** They're underneath.

**M. Bisson:** Ah, merci. Donc, je peux le faire dans ma langue.

Je propose que l'article 11.1 de la Loi, tel qu'il est énoncé à l'article 1 du projet de loi, soit supprimé et remplacé par ce qui suit :

« Politique traitant de l'utilisation du français et de l'anglais

« 11.1 Les employés, fonctionnaires ou représentants de la cité se conforment à la politique connue sous le nom de « politique sur le bilinguisme » qu'a adoptée la cité dans son règlement municipal 2001-170 le 9 mai 2001, telle que cette politique existe le jour de l'entrée en vigueur de l'article 1 de la Loi de 2005 modifiant la Loi sur la ville d'Ottawa. »

**The Chair:** Mr. Bisson, would you like to speak to the amendment?

**M. Bisson:** Oui. C'est pas mal simple. Juste pour savoir avant que je commence, on a une heure, si je comprends bien? We have one hour?

**Mr. Baird:** Or less.

**Mr. Bisson:** Or less? Oh, no. I'm going to take an hour; don't worry.

On sait d'où on est rendu. La ville d'Ottawa avait mis en place une demande au gouvernement conservateur en 1999 pour faire une loi provinciale qui exigerait que la ville d'Ottawa soit officiellement bilingue. La raison pour laquelle la ville d'Ottawa avait demandé ce projet de loi, c'est qu'il y avait une certaine crainte que dans le futur, il pourrait y avoir un conseil municipal qui arrive et qui dit : « Nous autres, on veut éliminer ou modifier ou affaiblir la politique sur le bilinguisme à la ville d'Ottawa. » Pour cette raison, ils ont fait une demande au gouvernement conservateur.

Le gouvernement conservateur dans le temps—M. Baird, qui est ici à l'opposition aujourd'hui, était le ministre délégué aux Affaires francophones, et son gouvernement—a refusé d'accorder cette loi à la ville d'Ottawa.

*Interjection.*

**M. Bisson:** Honnêtement? Moi, je n'étais pas d'accord, tels que nos collègues au Parti libéral en opposition dans le temps. Le gouvernement conservateur a pris la position qu'il a prise, mais au moins ils étaient clairs. On a compris qu'ils n'ont pas voulu le faire, et ils ont donné leurs raisons. Je suis sûr que M. Baird pourra parler sur ces raisons plus tard.

L'enjeu ici est très simple. Les deux partis d'opposition, le parti néo-démocratique et le Parti libéral, ont pris la position que la province de l'Ontario, sous le gouvernement conservateur, devait passer une loi donnant à la ville d'Ottawa exactement ce qu'ils voulaient avoir. On a promis aux deux partis en opposition que si on formait un gouvernement, on mettrait en place une loi qui donnerait exactement ce que la ville d'Ottawa avait demandé.

Comme on le sait, le gouvernement libéral a été élu ça fait un an et demi. Moi, j'ai soulevé la question dans la Chambre une couple de fois au premier ministre et à la ministre déléguée aux Affaires francophones, M<sup>me</sup> Meilleur : « Quand est-ce qu'on peut s'attendre à ce que ce projet de loi soit mis en avant? » Moi, j'ai toujours pris la position, tel que mon parti néo-démocratique, que c'est aux municipalités, premièrement, de décider si elles veulent être déclarées officiellement bilingues. La deuxième partie : si une municipalité veut avoir sa politique sur le bilinguisme enchâssée dans une loi provinciale, ils n'ont qu'à le demander à la province, et nous



autres devons le faire. En d'autres mots, ce n'est pas à nous autres, la province, de dire, « On va vous ordonner de devenir officiellement bilingue. » C'est la municipalité qui fait la demande et nous, la province, devons prendre la position : « Oui, on va vous le donner. »

Mais ce qui est arrivé, c'est que M. Gerretsen, le ministre des Affaires municipales, a introduit le projet de loi qu'on a ici. Si on regarde le projet de loi, il dit, « Loi modifiant la Loi de 1999 sur la ville d'Ottawa. » Si on lit le contenu de la loi, ce qu'elle dit, premièrement, est une bonne affaire. Elle dit, premièrement, que la ville d'Ottawa doit avoir le droit, l'habilité, de faire une politique sur le bilinguisme, ce que la ville d'Ottawa a déjà fait. C'est déjà en place; on peut le voir sur leur site Web. Deuxièmement, la province peut—je vais lire la section.

Le paragraphe (3) dit : « Si, avant le jour où le présent article entre en vigueur, la cité adopte une politique traitant de l'utilisation du français et de l'anglais comme l'énonce le paragraphe (1) qui est légale, cette politique est réputée d'avoir été adoptée en application de ce paragraphe. »

Numéro (4) : « L'obligation d'adopter une politique en application du présent article est indépendante du pouvoir d'adopter un règlement municipal en vertu de l'article 14 de la Loi sur les services en français et ce pouvoir n'a aucune incidence sur cette obligation. En outre, le présent article n'a aucune incidence sur l'interprétation de l'article 14 de cette loi. »

On dit dans ce projet de loi que si la ville d'Ottawa a une politique sur le bilinguisme officiel, nous autres disons, « C'est bien beau. C'est dans la loi. » Le problème est ceci. Si on regarde, le numéro (2) dit : « La cité établit la portée et le contenu de la politique adoptée en application du paragraphe numéro (1). »

Simplement dit, si on regarde la ville d'Ottawa, eux autres ont présentement une politique sur le bilinguisme. Si on regarde cette politique, que j'ai ici avec moi—c'est bien facile à voir sur le site Web—on voit qu'ils ont énoncé dans leur politique municipale ce que ça veut dire pour Ottawa, être officiellement bilingue, ce à quoi on peut s'attendre comme citoyen en matière de services et ce qu'on peut employer en vertu de cette politique.

Ce que vous avez fait dans le projet de loi avec cette section, c'est dire que si on passe cette loi ce soir en troisième lecture, la ville d'Ottawa a le droit d'avoir cette politique, mais si un conseil, présent ou futur, décide, « Moi, je veux ôter la page 10 de la politique sur le bilinguisme; je veux ôter la page 9; je veux ôter la page 8. Je me reste avec toute la politique », ils ont le droit de le faire.

La crainte de la part de beaucoup de personnes dans la communauté francophone, non seulement à Ottawa mais autre part, c'est que tu pourrais être dans une situation où un gouvernement municipal arrive à un point et dit, « Moi, je veux prendre la politique et en ôter toutes les dents, » et il n'y aura rien qui vraiment oblige la ville de donner ces services aux citoyens de la ville d'Ottawa, et il n'y a rien qu'on pourrait faire.

C'est pour ça que j'ai proposé cet amendement, pour clarifier ce point et pour dire que si le gouvernement est sérieux qu'il veut donner à la ville d'Ottawa un statut qui enchâsse—je répète le mot « enchâsse »—la politique sur le bilinguisme à Ottawa, qu'on le fasse. Si le gouvernement dit, « Nous autres, nous sommes intéressés à donner une loi qui met en vertu la politique sur le bilinguisme dans la ville d'Ottawa, » qu'on le fasse, qu'on adopte notre motion, et je vais voter pour votre loi en troisième lecture si vous le faites.

**Mr. Baird:** I want to put on record that I congratulate the McGuinty government for breaking this campaign promise. This is one promise I'm very glad they broke, and I should put that on the record. Some people say I'm too negative and I should be more supportive of the government. I supported one bill of theirs last week, and I supported Minister Papatello and her community living initiative. I'm just a very non-partisan member of this place.

Mais c'est absolument clair que c'est une promesse brisée par le gouvernement de M. McGuinty.

J'ai une question pour un des avocats qui représentent le ministère après qu'on aura voté sur cet amendement.

Il est absolument clair que si un nouveau conseil de la nouvelle grande ville d'Ottawa voulait adopter une nouvelle politique qui dit qu'il va seulement offrir les services en français entre 3 et 4 du matin dans un édifice à Carp, Ontario, cela suffirait avec ce projet de loi, c'est dommage.

Je trouve que la grande majorité des citoyens de la grande ville d'Ottawa appuient le fait d'offrir de bons services, des services de qualité dans la ville d'Ottawa, where it makes sense. It's like a common-sense approach to bilingual services.

The city doesn't provide all of its services in French today. The city doesn't even really follow their current bylaw, which you want to enshrine in legislation. In many parts of the city, there just isn't the demand for French-language services. Of course, this policy requires them to offer it. In parts of my constituency, where there's a negligible, very small number of francophones, they can't—the library in North Gore doesn't offer any French titles, to my knowledge, so they're breaking their own policy now. But it sounds good and people feel good about it, so there really isn't much damage. If this bylaw was put into legislation, no city could ever change it even to adopt the policy they're operating under today. There's an obligation, under the Constitution, to "preserve and promote." Once it's enshrined in provincial legislation, the Legislature wouldn't even be able to amend it if meant the diminishment of what the policy envisaged, regardless of whether it was practised. I suspect the Supreme Court justices would love to write a decision on this "preserve and promote." They've written similar ones in New Brunswick and Manitoba and they'd have a boxed set if this ever went to trial and to court.

Having said that, I'm glad the McGuinty government has broken this campaign commitment. I want to renew my challenge. For those of you who weren't here or



watching on television last night, I challenged any member of the Liberal Party to name me a single francophone leader in Ottawa who says this bill meets the campaign commitment that Dalton McGuinty made. I expanded it to say any francophone in Ottawa. By the end of the evening's debate, I got up and said, "Name me a francophone anywhere in the world who thinks this honours 10% of Dalton McGuinty's campaign commitment," any francophone anywhere in the world who said this is honouring 10%. I reduced it from 100% to 10%. The minister for francophone affairs was there. She couldn't name anyone. I like her—she's a very impressive woman—but she's breaking her promise. There isn't a single member of Ottawa city council, who is a francophone, who says that this meets what their request was or what the McGuinty government promised. This NDP amendment is just Dalton McGuinty's campaign promise on paper. Is it not, Monsieur Bisson?

**Mr. Bisson:** Exactly.

**Mr. Baird:** The commitment he made before that was that he would declare Ottawa officially bilingual.

1020

Dans les journaux français et dans la communauté francophone d'Ottawa il y avait, bien sûr, une promesse qui a été faite que Dalton McGuinty allait instituer un statut bilingue pour la nouvelle grande ville d'Ottawa, mais ce n'est pas contenu dans ce projet de loi. C'est une page. Le mot « bilinguisme » n'est pas dans le projet de loi. Il n'est pas contenu dans le projet de loi. Quelle horreur.

It's almost like "bilingualism" is a bad word for this government. I was shocked, as I know the member for Timmins-James Bay was shocked, to see advertisements from the Liberal Party against official bilingualism in the last election campaign. I couldn't believe it. I opened up newspapers in Ottawa. I believe that every single advertisement that one candidate who was running for office for the Liberal Party placed stated his objection to official bilingualism. I can only imagine that if a Conservative candidate had run advertisements against official bilingualism, scorn would have been heaped on that, I say to the member for Timmins-James Bay. Do you know what happened to this candidate? He got elected and he's in the cabinet.

I suspect que dans le caucus du gouvernement, dans le Conseil des ministres de ce gouvernement McGuinty, il y a eu une grande bataille. Un des membres du Conseil des ministres a gagné, et la ministre déléguée aux Affaires francophones a perdu une grande guerre. Je suis sûr que c'est la raison que le nom sur ce projet de loi est celui de M. Gerretsen et non celui de M<sup>me</sup> Meilleur. Cela dit que le projet de loi pour la ville d'Ottawa c'est un projet du ministre des Affaires municipales, mais le ministre n'a pas fait un discours le 14 décembre pendant la première lecture. J'étais là pour écouter son discours, mais il ne l'a pas fait.

The minister is embarrassed by this. I asked for a briefing on this and Minister Gerretsen's office was very generous to provide one. I went into the government

House leader's office—I see some of his staff here today—and the bill was sitting there. I arrived and I read it—once—the whole bill, cover to cover. I read it twice. I had been there for 40 seconds and I just looked up at them and said, "Are you serious?" They said, "We're here to do the briefing." Brief me on what? This is like a Christmas dinner without the turkey. This is like a hamburger without the beef. It's like hell without the devil. It's like Parliament without Peter Kormos.

But I'm glad the McGuinty government broke its campaign promise. Some people characterize anyone who is against this amendment as being anti-French. That's ridiculous, I say to the member for Timmins-James Bay. Overwhelmingly, 99.9% of the people support good quality French-language services where it makes common sense to provide them.

I did meet an individual the other day—not from my riding—who just doesn't like French people, who is, I would say, bigoted in his views on the French language, and he loves this bill. He absolutely loves this bill, and I just shook my head.

**The Chair:** Mr. Duguid?

**Mr. Brad Duguid (Scarborough Centre):** Thank you, Madam Chair. I know Monsieur Lalonde would like to speak to this as well, so after I'm finished I'll pass it over to him, if that's all right with you.

I'll begin by addressing the amendment that's before us. The difficulty we have with the amendment is that it would require staff and officials at the city of Ottawa to comply with the existing policy. It would require them to do that, which means that it would be putting it in legislation, and that would restrict the ability of the city of Ottawa and future councils from amending the policy in the future. We feel that is totally contrary to the approach we're taking with municipalities right across the province.

This government respects the autonomy of local municipalities. We don't feel we should be dictating to municipalities as to whether they should or should not—

**Mr. Baird:** On a point of order, Madam Chair.

**Mr. Duguid:** How can you possibly have a point of order already?

**Mr. Baird:** Mr Duguid, it's all in my briefing book. When I was minister of francophone affairs and was fighting against this—you should give me copyright.

**The Chair:** That's not a point of order. Mr. Duguid, you may continue, hopefully without interruption.

**Mr. Duguid:** I wouldn't count on it, but hopefully.

This government is very committed to moving in a direction where municipalities have autonomy, are able to look after their own affairs and not be dictated to by the provincial government on these kinds of matters. I think it's very important to recognize the uniqueness of Ottawa, and that's what this legislation does.

I lived in Ottawa for a number of years, so I recognize the uniqueness of Ottawa compared to many other cities across Canada. This legislation does recognize that uniqueness by allowing—in fact, more than allowing; by ensuring—that the city of Ottawa has a policy with



regard to the use of the English and French languages. That is in keeping with the approach we're taking on other issues across the province, recognizing the uniqueness of Ottawa and at the same time recognizing the maturity of the city council of Ottawa as a duly elected council.

We believe in local democracy. We believe the people of Ottawa, better than anybody else, should have a say in any changes they choose to make with regard to these kinds of issues. We believe there should be a policy in place with regard to the use of the French and English languages. We expect and know that that will be respected once this legislation is put in place, but we shouldn't be defining exactly what that policy is.

That's in keeping with what the Premier talked about when he was Leader of the Opposition. He said this in a letter that was written some time ago:

"I believe we should formally recognize the bilingual nature of the city of Ottawa. We live in Canada's capital where it is common to hear people conversing on the streets in French and English. The city, not the province, would continue to define what bilingualism means in practical terms."

I would suggest that's exactly what we're doing through this legislation, and I'll ask Mr. Lalonde to—

**The Chair:** Actually Mr. Bisson indicated to me—

**Mr. Bisson:** No, that's OK.

**The Chair:** OK, Mr. Lalonde.

**M. Jean-Marc Lalonde (Glengarry—Prescott—Russell):** Je vais être limité dans mes commentaires, parce que la politique sur les services en français, la politique bilingue de la ville d'Ottawa, est devant la cour. Ce matin encore j'avais de longues discussions avec les dirigeants de la ville d'Ottawa ainsi que des personnes au niveau de l'administration.

Il faut dire que ce projet de loi va beaucoup plus loin que la Loi 8. C'est un projet de loi qui a beaucoup dedans. Pour vous confirmer ça, nous savons que lorsque la Loi 8 est venue en place, il n'était pas obligatoire pour les municipalités de donner des services dans les deux langues, le français et l'anglais. Mais ce projet de loi, 163, obligera la ville d'Ottawa d'avoir une politique sur les services en français et en anglais.

Une chose qui me surprend surtout c'est que, lorsque je regarde un amendement qui a été apporté ce matin, je me demande, est-ce qu'on veut référer que tous les employés, les fonctionnaires et les représentants de la ville d'Ottawa doivent être bilingues? Lorsque nous avons regardé à préparer cette loi qui rencontre les critères à la demande de la ville d'Ottawa, nous nous sommes assurés à ce que les employés qui sont en place ne perdent pas leur emploi. La ville d'Ottawa décidera des postes qui devraient être bilingues et elle va décider quels sont les endroits où on doit donner les services dans les deux langues. Nous savons que si nous regardons dans l'est de la ville d'Ottawa il y a beaucoup de francophones; si je vais vers l'ouest, il y a moins de francophones. Mais il faut dire que d'un bout à l'autre de la ville d'Ottawa on doit s'assurer à ce que les services en

français soient à la portée ou à la disposition de tous les citoyens. La ville d'Ottawa est une ville bilingue.

**1030**

Mais en ce moment-ci, pour répondre peut-être à mon collègue d'Ottawa—Nepean et aux questions qu'il a posées hier soir—est-ce qu'on peut avoir des lettres qui confirment que ce projet de loi rencontre les attentes des citoyens et citoyennes de la ville d'Ottawa ?—je pourrais avoir des centaines de lettres qui appuient ce projet de loi.

*Interjection.*

**M. Lalonde:** Je vais essayer d'en avoir une lorsqu'on va débattre le projet de loi en troisième lecture.

**M. Baird:** Maintenant.

**M. Lalonde:** Mais actuellement, du fait que le tout s'en va devant la justice, nous allons être limités du nombre de lettres, puisque ces lettres-là devraient être apportées devant la justice.

Mais un point avec lequel j'aimerais vous entretenir, c'est que le gouvernement a pris un engagement d'un gouvernement libéral. Dans tous ces égards, le gouvernement provincial s'engage à reconnaître les droits de ses citoyens francophones en instaurant des mesures qui permettront aux francophones et aux francophiles de l'Ontario de s'épanouir librement en jouissant à part égal des services en français dans toutes les régions désignées selon la Loi sur les services en français et selon sa politique sur les services en français. Donc, la ville d'Ottawa fait partie de 23 régions. Nous, on veut s'assurer à ce que la Loi 8 est respectée et on veut s'assurer à ce que les politiques sur les services en français et en anglais de la ville d'Ottawa seront respectées. Et jamais, jamais la ville d'Ottawa ne pourrait arriver et rescinder le projet de loi qui est en place.

Lorsqu'on regarde ce projet de loi, dans le paragraphe (3), c'est clair : « Si, avant le jour où le présent article entre en vigueur, la cité a adopté une politique traitant de l'utilisation du français et de l'anglais comme l'énonce le paragraphe (1) », et le paragraphe (1) est très clair : « La cité adopte une politique traitant de l'utilisation du français et de l'anglais dans la totalité ou certaines parties de son administration et dans la fourniture de la totalité ou de certains de ses services municipaux. » Je crois que c'est clair. Je crois que c'est un bon début. C'est la première fois, vraiment, que la province de l'Ontario va appuyer un tel projet de loi.

Je vais référer maintenant la région de Timmins-James Bay. Lorsque Kapuskasing a décidé de reconnaître sa municipalité officiellement bilingue, la municipalité a passé une résolution. Comme maire, lorsque j'étais maire de la ville de Rockland en 1987, nous avons passé un arrêté conseil comme quoi la ville devenait bilingue. Mais la chose qui s'est passée, c'est qu'un citoyen de la ville de Kapuskasing a amené la ville en cour, et la ville a perdu parce que la province n'avait pas reconnu officiellement le projet de loi de la ville de Kapuskasing. Mais aujourd'hui, par ce projet de loi-là, c'est ça que le gouvernement McGuinty veut faire. Il veut s'assurer à ce que la loi municipale sur les services en français et en



anglais de la ville d'Ottawa soit respectée et reconnue officiellement par la province afin de protéger les intérêts des francophones et des anglophones de la ville.

Merci, madame la Présidente.

**The Chair:** Thank you, Mr. Lalonde.

**M. Baird:** Je veux dire très clairement à mon cher collègue de Glengarry–Prescott–Russell qu'elle est très bien connue, la situation de Kapuskasing. Le projet de loi 8 était devant l'Assemblée législative à cette date-là. Il y avait un amendement au projet de loi 8 qui était adopté, un amendement qui a été présenté par l'ancien chef néo-démocrate, Bob Rae, pour donner à toutes les municipalités dans les 23 ou 24 régions désignées le droit de travailler dans leur municipalité en français ou en anglais, ou dans les deux langues. C'est déjà très clair que cet amendement était mis en place après la décision de la cour de Kapuskasing.

**M. Bisson:** Une réplique aux deux commentaires. Premièrement, écoute : les commentaires de l'adjoint parlementaire, M. Duguid, disent tout. Nous autres dans l'opposition disons que votre projet de loi n'oblige pas la municipalité d'Ottawa de garder en place sa politique présente sur le bilinguisme, que la municipalité, avec ce projet de loi, pourra changer, amender, défaire cette politique si elle décide de le faire. L'adjoint parlementaire au ministre des affaires civiques a confirmé dans ses paroles exactement ce que nous dans l'opposition avons dit. C'est clair. Vous avez fait une promesse à nous, les néo-démocrates, qu'on était pour respecter les demandes de la ville d'Ottawa, et que si la ville d'Ottawa ou n'importe quelle autre municipalité demande qu'on enchâsse la politique sur le bilinguisme d'une loi provinciale, qu'on était pour le faire. On se trouve aujourd'hui avec un projet de loi qui ne fait rien. On n'a pas besoin de passer ce projet de loi aujourd'hui pour donner à Ottawa ce qu'ils ont déjà. Il faut être clair. La ville d'Ottawa ou n'importe quelle municipalité en Ontario a le droit sous son autorité comme municipalité de passer n'importe quelle politique qu'elles veulent. Si la ville d'Ottawa veut avoir une politique sur le bilinguisme, ils n'ont pas besoin de la permission de ce gouvernement de le faire aujourd'hui; ils le font eux autres mêmes. Ils peuvent la changer.

Ils ont une politique qu'ils ont adoptée ça fait deux ou trois ans. Allez sur le site Web; elle est là. C'est la municipalité qui l'a fait sous son autorité comme municipalité, et si ce conseil ou un futur conseil décide qu'ils veulent amender, « enforcer » ou nier les droits aux francophones dans ce domaine, ils ont le droit de le faire. Dites-moi comment ce projet de loi va changer cette réalité. C'est pour ça que la ville d'Ottawa avait demandé, avec un vote au conseil municipal, à la province de l'Ontario d'enchâsser la politique sur le bilinguisme dans une loi provinciale. Ils ne voulaient pas être dans la position que dans le futur, un autre conseil arrive et décide : « On va enlever la loi sur la politique du bilinguisme dans la ville d'Ottawa. »

L'adjoint parlementaire a confirmé ce que je suis en train de dire au parti néo-démocratique, ce que M. Baird

dit au Parti conservateur, et ce que tous les francophones à la ville d'Ottawa et les médias nous disent depuis que vous avez introduit ce projet de loi : Ce projet de loi ne donne absolument rien, zéro, de plus à la municipalité envers ses responsabilités envers une politique de bilinguisme.

Sur l'autre affaire, M. Lalonde—qui je respecte très bien. C'est un collègue; c'est même un ami, je pourrais dire. On a travaillé sur beaucoup de dossiers francophones ensemble. Je ne nie pas sa place dans cette Assemblée ou dans la communauté francophone. J'ai un gros respect, sérieusement.

Vous avez fait deux points : vous dites que ce projet de loi va plus loin que la Loi 8. Non, zéro; ça ne va pas dans cette direction-là. Je viens juste de faire ce point sur M. Duguid. Lui-même le dit à la fin de la journée : « Ce projet de loi donne aux municipalités l'autorité de faire ce qu'elles veulent. » Ça ne va pas plus loin que la Loi 8, donc je n'accepte pas ce point. L'autre affaire est que notre amendement exige des employés d'être bilingues. Ce n'est pas ce que notre amendement dit. Notre amendement dit que la ville d'Ottawa a mis en place une politique sur le bilinguisme pour la ville d'Ottawa. Tout ce que nous disons, c'est que s'ils ont traité de cette politique, et si c'est une politique qu'ils veulent avoir, ça va être la politique qui va être enchâssée dans la loi. C'est la ville d'Ottawa qui décide quel niveau de services on donne aux francophones, et les exigences sur le staff. Si la ville d'Ottawa ne voulait pas avoir cette politique, ils auraient fait quelque chose de différent. C'est le point qu'on fait. Je veux dire clairement que ce projet de loi, tel qu'il est comme c'est là, si on vote contre cet amendement, à la fin de la journée ne va rien donner de plus ou de moins à la ville d'Ottawa.

Sur un autre point, vous connaissez très bien l'ancien sénateur Gauthier. On le connaît bien : un libéral de grande date, une personne avec qui j'ai travaillé au sein de l'Assemblée parlementaire francophone, comme M. Lalonde et M. Baird, en tant que membre de l'APF; ancien député d'Ottawa-Vanier, sénateur qui vient juste de prendre sa retraite, quelqu'un qui est très reconnu dans la communauté francophone nationale et locale. M. Gauthier est, comme on dit en anglais, « beside himself » sur cette question. Le staff de l'ancien sénateur, à qui j'ai parlé même récemment—j'ai eu une rencontre avec son ancien staff la semaine passée—disent que le sénateur lui-même, avec tout le travail qu'il a fait sur cette question, est contre ce projet de loi. Ils disent qu'on ferait mieux de ne pas avoir ce projet de loi que d'avoir ce que vous avez mis en place. Lui, il demandait une opportunité de venir à ce comité pour proposer des amendements. On n'a pas eu cette chance à cause de la manière de laquelle la loi été « ordered » au comité, et plus tard j'aimerais être capable de proposer un amendement sur la même question de la part de M. l'ancien sénateur Gauthier qui est pas mal simple; ça aussi. Une fois qu'on aura voté, j'aurai un autre amendement à mettre en avant.

**The Chair:** Thank you.



**Mr. Baird:** I'd like to call the question.

**The Chair:** I think Mr. Duguid wanted—no. Thank you.

There are no other further comments or questions on this amendment. All those in favour?

1040

**Mr. Baird:** Recorded vote.

### Ayes

Bisson.

### Nays

Baird, Broten, Dhillon, Duguid, Lalonde, Matthews.

**The Chair:** I judge that to have failed.

Shall section 1 carry? All those in favour?

**Mr. Bisson:** I have another amendment.

**The Chair:** You have another amendment? Is that the one that's gone out for photocopying?

**Mr. Bisson:** It's the one that's coming out, and I'll propose it as best as I can based on what I have, and you'll get the documents later.

**The Chair:** Mr. Bisson, you have the floor.

**M. Bisson:** Je propose un amendement à la section 11.1. Présentement ça se lit, « La cité adopte une politique traitant de l'utilisation du français. » Je propose d'insérer, entre les mots « utilisation » et « du », le mot « égale. »

Donc, je propose que le paragraphe 11.1(1), tel qu'il est énoncé à l'article 1 du projet de loi, soit supprimé et remplacé par ce qui suit :

« 11.1(1) La cité adopte une politique traitant de l'utilisation égale »—c'est le nouveau mot—« du français et de l'anglais dans la totalité ou certaines parties de son administration et dans la fourniture de la totalité ou de certains de ses services municipaux. »

J'aimerais parler sur ce point.

J'ai ici une lettre datée le 28 décembre 2004 du sénateur Gauthier. Je ne vais pas lire toute la lettre parce qu'on n'a pas assez de temps, mais le point est ceci : il dit dans la lettre qu'il a vu le projet 163 et il dit, « Je dois dire que je suis loin d'être impressionné par cette loi puisqu'il maintient le statu quo. » Ça fait des années que ce monsieur est législateur. Il a siégé au parlement fédéral, il a siégé au sénat. Je pense qu'il comprend la législation. Il dit que le projet de loi 163 ne change rien et que nous avons tous été trompés dans nos attentes. C'est pas mal clair. Même les libéraux à Ottawa n'aiment pas ce que le gouvernement est en train de faire.

Parce que l'ancien sénateur M. Gauthier ne peut pas être ici aujourd'hui, je veux proposer un autre amendement pour lui.

**Mr. Baird:** I would ask for unanimous consent to call the question.

**The Chair:** Do I have unanimous consent?

**Mr. Bisson:** I want to hear what they have to say.

**The Chair:** I don't have any speakers who have indicated a desire to speak on this amendment.

*Interjection.*

**The Chair:** I have no other speakers on this issue, Mr. Bisson.

**Mr. Bisson:** Just before we call the question, I want to make it clear where this amendment comes from.

Le sénateur Jean-Robert Gauthier, qu'on connaît très bien—ça fait des années qu'il est impliqué dans la communauté francophone nationale et locale dans la région d'Ottawa. Je pense qu'il est typique de beaucoup de francophones dans la région qui s'attendaient à ce qu'un projet de loi soit mis ici aujourd'hui, un projet de loi qui ferait ce que le gouvernement libéral a promis dans la dernière élection et ce que le parti néo-démocratique a promis. Je pense que M. Gauthier, avec son amendement, essaie de faire ce que la plupart du monde dans la communauté francophone veulent, du monde comme l'Association canadienne-française de l'Ontario, l'Association culturelle de l'Ontario et d'autres à qui on a parlé. Ils veulent avoir un projet de loi, à la fin de la journée, qui s'assure que la politique sur le bilinguisme de la ville d'Ottawa ne puisse pas être retirée par un conseil futur, et ils craignent que ce projet de loi, tel qu'il est écrit, ne fera pas ça.

C'est pour cette raison que M. Gauthier a pris le temps de faire la recherche et proposer cet amendement. Dans son opinion, avec l'amendement à la section 11.1 en insérant le mot « égale » et un autre amendement qu'on va faire à la section 3, c'est une autre manière de garantir que la politique ne puisse pas être retirée par un conseil futur.

**The Chair:** I have no other speakers. I guess we're going to call the vote on the amendment.

**Mr. Bisson:** Recorded vote.

### Ayes

Bisson.

### Nays

Baird, Broten, Dhillon, Duguid, Lalonde, Matthews.

**The Chair:** That fails.

Mr. Baird?

**Mr. Baird:** I have a question for one of the ministry lawyers on section 1 of the bill.

**The Chair:** OK. Do you want to pose your question?

**Mr. Baird:** Can I find out who the counsel for the ministry is? Maybe they could take a seat at the front.

**The Chair:** Mr. Tomlinson, could you come forward and identify yourself for Hansard prior to the question, please?

**Mr. John Tomlinson:** I'm Mr. Tomlinson, counsel for the legal services branch, Ministry of Municipal Affairs and Housing.

**Mr. Baird:** Welcome to the committee, sir.

**Mr. Tomlinson:** Thank you very much, sir.



**Mr. Baird:** I have a question for you. I just want to confirm that this allows the city to adopt its own policy for the provision of services in French. That's correct?

**Mr. Tomlinson:** It requires them to do it.

**Mr. Baird:** And the city is free to change it whenever it wants?

**Mr. Tomlinson:** Yes.

**Mr. Baird:** So under this legislation—given you're a lawyer of some stature about municipal law as the chief counsel—if the city had a bylaw before it to say, "We only want to offer French-language services between 3 and 4 in the morning, at the basement of the library in Carp," would that be permissible under this legislation?

**Mr. Tomlinson:** On a literal interpretation, it would be; so depending on the judge—whether he's given to literal interpretations or not—yes, it would be. Other judges might say, "Well, there has to be something there that's at least a little bit useful to people." But in general, it leaves it wide open to the city to do what it wants to do.

**Mr. Bisson:** Just a further question. As you know, when a judge sits and makes a decision on such a thing, he or she will not only rely on the legislation, but also on what debate ensued in the Legislature, as well as what happened in committee. Considering that the parliamentary assistant, Mr. Duguid, basically said, "We want to give free rein to the municipality to make its own decisions," I would take it that the judge's decision would weigh more on the ability for the municipality to do what it chooses.

**The Chair:** I don't believe that was a question. Was it a question?

**Mr. Bisson:** No, it was a comment. He can respond to it.

**The Chair:** Mr. Bisson, you had another amendment, did you?

**Mr. Bisson:** Yes, I have another amendment. Thank you for being so helpful. We really appreciate your help. I'm sure you earned your pay today. You'll have some explaining to do.

**The Chair:** Is it on subsection 1(3), Mr Bisson?

**M. Bisson:** I have another amendment that reads as follows:

Paragraphe 1(3) du projet de loi (article 11.1 de la Loi) :

Je propose que le paragraphe 11.1(3) de la Loi, tel qu'il est énoncé à l'article 1 du projet de loi, soit modifié par la suppression de « en application de ce paragraphe » à la fin du paragraphe et la substitution de « faire partie de la présente Loi. »

Sur ce point, comme vous le savez, c'est encore le sénateur Gauthier qui dit : « Si on avait été capable au moins d'insérer dans la section 1 le mot 'égale', et qu'on aurait pu faire dans la section 3 cet amendement qui dit, « et faire partie de cette Loi », ça aurait pu renforcer l'obligation de la municipalité de ne pas nier aux francophones les droits du bilinguisme. C'était un peu le point de l'avocat qui vient juste de se présenter devant nous, comme il a répondu à M. Baird : « Présentement, si on prend cette loi et la municipalité

décide qu'ils vont seulement offrir des services dans le sous-sol à Carp dans la bibliothèque à 3 h du matin, ils vont avoir le droit de le faire. »

*Interruption.*

**M. Bisson:** Mais c'est vrai. L'avocat l'a dit lui-même. Je vais utiliser mon jugement et c'est mon temps. M. Duguid dit : « On veut donner à la municipalité le droit de faire ce qu'ils veulent. » M. Baird a demandé la question aux avocats du ministère, qui ont dit que oui, ça veut dire exactement qu'ils peuvent faire ce qu'on vient de dire : à 3 h du matin, seulement chaque deuxième samedi, on va faire des services en français dans le sous-sol de la bibliothèque à Carp.

M. Robert, dans ses amendements, aurait au moins exigé à la loi de dire que le juge ait besoin d'utiliser une certaine, comme on dit, « common sense ».

*Interjection.*

**M. Bisson:** Mais monsieur Lalonde, si vous êtes sensible à ce point—

**The Chair:** Can I stop the cross-dialogue, please? Just speak to the amendment, please.

1050

**M. Bisson:** Merci, madame la Présidente, vous êtes si charmante aujourd'hui.

Ce que M. Robert essaie de faire dans ses amendements, c'est le suivant : comme l'avocat vient de le dire, présentement dans le projet de loi tel qu'il est écrit, si quelqu'un fait plainte devant une cour, le juge regarde ça et il n'y a pas d'obligation là-dedans. Il y a une politique qui est forte ou moins forte. Il n'y a rien là-dedans qui dit que la politique a besoin d'être telle ou telle.

Ce que M. Robert essaie de faire avec ses deux amendements, c'est de dire que même si on donne à la ville d'Ottawa le droit d'amender sa politique sur le bilinguisme, elle ne pourrait pas le faire d'une manière pour nier les droits. Elle pourrait le faire pour la modifier, pour s'assurer une meilleure administration, pour faire une politique qui marche mieux pour la municipalité. Elle aurait pu faire l'amendement. Mais dans le moindre des moindres, elle ne pourrait pas ôter les droits aux francophones, et c'est pour ça que M. Gauthier, l'ancien sénateur, a proposé ses amendements, et c'est pour ça que je les propose de sa part.

Monsieur Lalonde, je vais être très clair, et ce n'est pas seulement M. Baird et moi qui le disons. M. Duguid le dit, l'avocat le dit, M. Gauthier le dit, et tout le monde sait que si la ville d'Ottawa, une fois que ce projet de loi aura passé, dit : « On va faire les services en français seulement chaque samedi à 3 h 30 du matin, aller à 4 h 30, dans le sous-sol d'une bibliothèque à Carp, elle a le droit de le faire.

**M. Lalonde:** I just want to make it clear. Je veux être clair : nous avons des juges qui sont compétents, qui font de la cocologie—je vais vous parler de même—et puis on a le gouverneur en conseil qui vient de nous parler, qui nous dit, « Oui, c'est vrai que selon la loi, ils pourraient faire ça », mais c'est quelque chose que tu ne verras pas, parce que le juge se ferait enlever ses fonctions le plus tôt possible pour avoir agi de la façon dont vous parlez. Je



crois que c'est aller un peu loin, ça. C'est comme si je disais à M. le député de Timmins-James Bay : « Dorénavant, la loi n'est pas claire. Vous devez rentrer ici tous les matins à 8 h, incluant le dimanche et les jours de fête. » On dirait : « Ils sont malades, ceux-là? » Mais c'est la façon dont on parle.

**M. Bisson:** Je comprends que M. Lalonde est très fâché avec la situation. Moi, comme francophone de la région d'Ottawa et ancien critique en Affaires francophones, si mon parti faisait ça, moi aussi je serais fâché. C'est très clair : le point est que ce projet de loi ne donne aucune force à la politique du bilinguisme de la ville d'Ottawa. Les juges vont faire exactement ce que les juges font toujours : ils vont faire un jugement basé sur la loi. Comme vous le savez, quand un juge regarde une loi, il regarde aussi de temps en temps ce que le gouvernement et le Parlement ont dit à l'Assemblée quand ils ont fait la loi, pour savoir ce que c'était, l'intention du projet de loi. M. l'adjoint parlementaire a été clair. Il a dit : « On veut donner à la municipalité le dernier mot à ce que la politique doit être. » On appelle l'avocat du ministère, et lui en réponse à M. Baird dit : « C'est un fait. Si on veut offrir des services seulement le samedi matin à 3 h 30 dans le sous-sol de la bibliothèque de Carp », ils vont avoir le droit de le faire. Le juge va faire tel que la loi lui dit de faire. Ce projet de loi, excusez-moi, ne donne aucune protection à la politique de bilinguisme à la ville d'Ottawa. Si on pense autrement, je pense qu'on est pas mal trompé.

**The Chair:** No further comments or questions on this amendment?

**Mr. Bisson:** Recorded vote.

#### Ayes

Bisson.

#### Nays

Baird, Broten, Dhillon, Duguid, Lalonde, Matthews.

**The Chair:** That vote is lost.

Shall section 1 carry? All those—

**Mr. Baird:** Could I ask a question? Will we be able to deal with my motion after we adopt the bill?

**The Chair:** I don't know what your motion—I don't have it in front of me.

**Mr. Baird:** I submitted—I just wanted to get concurrence so we could deal with my motion after we adopt the bill.

**The Chair:** I'd prefer everybody saw it before we—

**Mr. Baird:** Sure.

**The Chair:** I haven't even read it yet.

**Mr. Baird:** I just want to make sure that we can deal with it before I agree to give swift passage to the bill. Could I get unanimous consent that my motion will be considered before the committee adjourns?

**The Chair:** I don't think you have unanimous consent, Mr. Baird, unfortunately. I think what I do have to deal with—

**Mr. Baird:** I don't?

**The Chair:** You do not have unanimous consent.

**Mr. Baird:** I'm going to talk on this bill.

**The Chair:** All I can deal with right now is section 1 of the bill.

**Mr. Baird:** Could I speak?

**The Chair:** What would you like to speak to? Are you speaking to section 1?

**Mr. Baird:** Section 1 of the bill, yes.

**The Chair:** Thank you, Mr. Baird.

**Mr. Baird:** I would be much more likely to give swift passage to this bill if we could get unanimous consent that my motion would be put to the committee after we consider this bill. I'd likely be more brief in my comments if I could get an assurance of that.

**The Chair:** Mr. Baird, I believe that there is all-party agreement that we're going to spend one hour on clause-by-clause. We have five minutes, so—

**Mr. Baird:** We were late. He was late getting here.

**The Chair:** I understand that, but as it is, we have dedicated an hour to clause-by-clause.

**Mr. Baird:** I just wanted an agreement that my—

**The Chair:** I think you don't have agreement, so what I can deal with now—

**Mr. Baird:** We had agreement that this committee would start at 9 o'clock, with the government House leader—

**The Chair:** Mr. Baird, we're on section 1. You don't appear to be talking to section 1, so I'm going to ask—

**Mr. Baird:** I'd like to talk to section 1: "The city shall adopt a policy respecting the use of the English and French languages in all or specified parts of the administration of the city and in the provision of all or specified municipal services by the city."

I'm just curious as to whether anyone would support the argument that this bill met the McGuinty government's promise. I'm sure the member for Timmins-James Bay would want to speak to this point as well. It would be really nice to know, before we—

**Mr. Bisson:** Just propose your amendment.

**Mr. Baird:** No, this is not an amendment to the bill. Just one second.

Madam Chair, I move that the committee recommend the government not be permitted to call Bill 163 until any member of the Liberal caucus table with the Clerk of the Legislative Assembly of Ontario the name of one francophone anywhere in the world who thinks Bill 163 honours Dalton McGuinty and Madeleine Meilleur's promise to the people of Ottawa from 1999 to election day 2003.

I would even be willing to forgo any debate so that we can finish this expeditiously.

**The Chair:** I believe I have to rule that it's out of order, because section 1 is on the floor at the moment.

**Mr. Baird:** OK, I'll do it later.

**The Chair:** Thank you very much.



Shall section 1 carry? All those in favour?

**Mr. Bisson:** Recorded vote.

**Ayes**

Broten, Dhillon, Duguid, Lalonde, Matthews.

**Nays**

Baird, Bisson.

**The Chair:** That vote is carried.

Shall section 2 carry? All those in favour? Mr. Bisson, did you want a recorded vote all the way through?

**Mr. Bisson:** A recorded vote all the way through.

**Ayes**

Broten, Dhillon, Duguid, Lalonde, Matthews.

**Nays**

Baird, Bisson.

**The Chair:** That vote carries.

Shall section 3 carry?

**Mr. Baird:** I have an amendment to section 3.

**The Chair:** Mr. Baird, your amendment.

**Mr. Baird:** I move that section 3 of the bill be amended by striking out "City of Ottawa Amendment Act" and inserting "Dalton McGuinty's Broken Promises Act."

**The Chair:** Any discussion on that amendment?

**Mr. Bisson:** I think this is a very positive amendment. I see it as an amendment that would actually put the bill in compliance with the title, because when you read the actual bill title, it says, "An Act to amend the City of Ottawa Act," and it says in the preamble: "The City of Ottawa Act, 1999 is amended by adding the following section"—

**Mr. Duguid:** On a point of order, Madam Chair: He's speaking to a motion that may be out of order. I ask you if this motion is in fact in order.

**The Chair:** I personally believe it's out of order.

**Mr. Baird:** Under what grounds?

**The Chair:** First of all, I don't have a copy of your motion. I believe it's out of order to what we're dealing with right now.

**Mr. Baird:** Why is it out of order? We can write it up.

**The Chair:** We're dealing with the City of Ottawa Act at the moment. We're not dealing with a title change.

**Mr. Baird:** I'd like to change the name of the bill.

**The Chair:** It doesn't reflect what you've been discussing for the last 55 minutes, actually, in the bill. We've had a recorded vote up until this point; that hasn't been an issue, and now you're getting to the point where the definition of the bill is what you're trying to change.

1100

**Mr. Baird:** OK, I'll withdraw that because of your wise counsel, Madam Chair. I have another one.

I'd like to amend section 3 of the bill and add, after "the City of Ottawa" and before "Amendment Act," "Language Weasel Act."

**The Chair:** I'm going to presume that you want to be helpful, Mr. Baird, but I don't believe that is helpful. I think it's frivolous, so I'm going to rule that out of order.

**Mr. Bisson:** Point of order.

**Mr. Baird:** I accept the Chair's view.

**Mr. Bisson:** All right, I won't argue. I was going to defend you.

**The Chair:** Shall section 3 carry? A recorded vote has been requested.

**Ayes**

Broten, Dhillon, Duguid, Lalonde, Matthews.

**Nays**

Baird, Bisson.

**The Chair:** I rule that that's passed.

**Mr. Baird:** Madam Chair, could I put forward a motion now?

**The Chair:** No. I think we're at the point where we're at the final portion of the bill.

**Mr. Baird:** This isn't an amendment to the bill, but—

**Mr. Bisson:** Point of order.

**The Clerk of the Committee (Ms. Tonia Grannum):** She still has more questions.

**The Chair:** I'm still on the bill.

**Mr. Baird:** What are the questions you have on the bill; could I request?

**The Chair:** I have "Shall the title carry," "Shall the bill be carried," "Shall I report to the House." I've still got some—

**Mr. Baird:** And then would you recognize me after that?

**The Chair:** Yes.

**Mr. Baird:** Thank you.

**The Chair:** Mr. Bisson.

**Mr. Bisson:** On a point of order, Madam Chair: Just very quickly, any member is allowed to put forward an amendment on section 4 of the bill, and you can't all of a sudden rule that a member can't do that, just to be clear.

**The Chair:** I don't believe that I have.

**Mr. Bisson:** That's what I just heard you say. I just wanted to make it clear.

**The Chair:** Shall the title of the bill carry? There's been a recorded vote requested. Mr. Bisson, what is your—

**Mr. Bisson:** I had an amendment. You're going a little bit too fast.

**The Chair:** You have an amendment to the title of the bill?



**Mr. Bisson:** Yes. The short title of this act right now says—

**The Chair:** We're at the long title.

**Mr. Bisson:** We're at the long title. We're down in the "Commencement" section. I'm following you.

**The Chair:** So your amendment is?

**Mr. Bisson:** I want to change the name of the bill. This is where I do it, isn't it? We're on the long title of the bill.

**The Chair:** We're voting on the long title of the bill. And your amendment is?

**Mr. Bisson:** My amendment is that we change "An Act to amend the City of Ottawa Act, 1999" to "An Act that doesn't officially declare Ottawa officially bilingual."

**The Chair:** Would you like to speak to your amendment?

**Mr. Bisson:** No, I think it's very clear.

**The Chair:** OK.

**Mr. Baird:** I'd like to ask for unanimous consent to call the question.

**The Chair:** Do we have unanimous consent to call the question?

**Mr. Duguid:** Is that in order?

**The Chair:** I believe it's in order. Do we have unanimous consent for the question? I believe we do. We have some nodding.

**Mr. Bisson:** Recorded vote.

**The Chair:** A recorded vote has been requested on Mr. Bisson's amendment.

#### Ayes

Baird, Bisson.

#### Nays

Broten, Dhillon, Duguid, Lalonde, Matthews.

**The Chair:** I rule that that vote has failed.

Shall the title of the bill carry? All those in favour?

**Interjection:** Recorded vote.

#### Ayes

Broten, Dhillon, Duguid, Lalonde, Matthews.

#### Nays

Baird, Bisson.

**The Chair:** I rule that that carries.

Shall Bill 163 carry? All those in favour?

**Interjection:** Recorded vote.

#### Ayes

Broten, Dhillon, Duguid, Lalonde, Matthews.

#### Nays

Baird, Bisson.

**The Chair:** Thank you. That's carried.

Shall I report the bill to the House? All those in favour?

#### Ayes

Baird, Bisson, Broten, Dhillon, Duguid, Lalonde, Matthews.

**The Chair:** There's no opposed. That's unanimous. How nice that is. Thank you.

Mr. Baird, you have the floor.

**Mr. Baird:** I move that the committee recommend the government not be required to call Bill 163 until any member of the Liberal caucus table with the Clerk the name of one francophone anywhere in the world who thinks Bill 163 honours Dalton McGuinty and Madeleine Meilleur's promise to the people of Ottawa from 1999 to election day 2003.

I would be prepared to seek unanimous consent to call the question.

**The Chair:** Unanimous consent for the question being called. I believe I have a positive response to that. All those in favour?

**Mr. Bisson:** Recorded vote.

#### Ayes

Baird, Bisson.

#### Nays

Broten, Dhillon, Duguid, Lalonde, Matthews.

**The Chair:** Unfortunately, Mr. Baird, I believe that motion has failed.

Thank you. This concludes our committee's consideration of Bill 163. I'd like to thank all of my colleagues on the committee for their patience and their work on the bill. The committee is now adjourned.

*The committee adjourned at 1105.*















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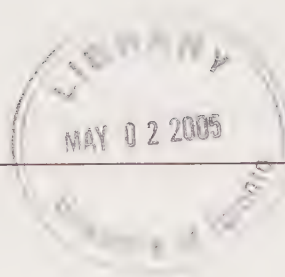




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## Legislative Assembly of Ontario

First Session, 38<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

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# Official Report of Debates (Hansard)

Monday 18 April 2005

# Journal des débats (Hansard)

Lundi 18 avril 2005

**Standing committee on  
general government**

Places to Grow Act, 2005

**Comité permanent des  
affaires gouvernementales**

Loi de 2005 sur  
les zones de croissance

Chair: Linda Jeffrey  
Clerk: Tonia Grannum

Présidente : Linda Jeffrey  
Greffière : Tonia Grannum



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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GENERAL GOVERNMENTCOMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES

Monday 18 April 2005

Lundi 18 avril 2005

*The committee met at 1602 in room 151.*

**The Chair (Mrs. Linda Jeffrey):** Good afternoon. The standing committee on general government is called to order. We're considering Bill 136, An Act respecting the establishment of growth plan areas and growth plans. We're here today for the purpose of commencing public hearings on Bill 136.

## SUBCOMMITTEE REPORT

**The Chair:** The first item of business on our agenda is the report of the subcommittee on committee business. Mr. Rinaldi, would you move the report of the subcommittee and read it into the record, please.

**Mr. Lou Rinaldi (Northumberland):** Your subcommittee met on Thursday, April 7, 2005, to consider the method of proceeding on Bill 136, An Act respecting the establishment of growth plan areas and growth plans and recommends the following:

(1) That the committee meet for the purpose of public hearings on Bill 136 in Toronto at Queen's Park;

(2) That, if required, the committee meet on April 27, 2005, for the purpose of public hearings;

(3) That an advertisement be placed in the English dailies and the one French daily for one during the week of April 11, 2005, and that an advertisement also be placed on the Ontario parliamentary channel and the Legislative Assembly Web site;

(4) That the deadline for those who wish to make an oral presentations on Bill 136 be 5 p.m. on April 14, 2005;

(5) That the clerk, in consultation with the Chair, be authorized to schedule all witnesses;

(6) That if all witnesses cannot be accommodated, the clerk provide the subcommittee members with the list of witnesses who have requested to appear, by 6 p.m. on April 14, 2005, and that the caucuses provide the clerk with a prioritized list of witnesses to be scheduled, by 10 a.m. on April 15, 2005;

(7) That individuals be offered either 10 minutes or 15 minutes in which to make their presentations and organizations be offered either 15 minutes or 20 minutes in which to make their presentations, depending on the number of requests to appear;

(8) That the Minister of Public Infrastructure Renewal be invited to make a 15-minute presentation before the committee on April 18, 2005, followed by a 15-minute

question/comment period from the members of the committee, followed by a 15-minute technical briefing by ministry staff;

(9) That the deadline for written submissions on Bill 136 be 5 p.m. on April 25, 2005;

(10) That amendments to Bill 136 should be received by the clerk of the committee by 2 p.m. on April 28, 2005;

(11) That the committee meet for the purpose of clause-by-clause consideration of Bill 136 on May 2, 2005, from 4 p.m. to 6 p.m. in Toronto at Queen's Park;

(12) That the research officer provide the committee with background information on Bill 136 prior to the start of public hearings, and that the research officer also provide the committee with a summary of witness presentations, prior to clause-by-clause consideration of Bill 136;

(13) That the clerk of the committee, in consultation with the Chair, be authorized, prior to the passage of the report of the subcommittee, to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

That's the report of the subcommittee, Madam Chair.

**The Chair:** Are there any questions or comments on the report of the subcommittee?

**Mr. Tim Hudak (Erie-Lincoln):** Madam Chair, through you to the clerk, how did we do in terms of the groups that had requested to come on, by the time you contacted everybody, in getting a slot?

**The Clerk of the Committee (Ms. Tonia Grannum):** Everybody who requested to appear has been accommodated.

**Mr. Hudak:** Perfect. Thank you. Good work.

**The Chair:** All in favour of the subcommittee minutes? All those opposed? The report of the subcommittee is carried.

## PLACES TO GROW ACT, 2005

LOI DE 2005 SUR  
LES ZONES DE CROISSANCE

Consideration of Bill 136, An Act respecting the establishment of growth plan areas and growth plans / Projet de loi 136, Loi sur l'établissement de zones de croissance planifiée et de plans de croissance.

**The Chair:** As requested, the Minister of Public Infrastructure Renewal has been invited and has appeared



early. He was eager to talk to us today. Welcome, Minister Caplan. You have 15 minutes.

**Hon. David Caplan (Minister of Public Infrastructure Renewal):** Madam Chair and my esteemed colleagues, I truly do appreciate this opportunity to appear before you and introduce committee members to Bill 136, the proposed Places to Grow Act. This is important and very necessary proposed legislation and, in my view, we need to approach it with a real sense of urgency. I believe that Bill 136 will give us what may well be our last chance to plan Ontario's future growth effectively and secure the kind of future that we want.

Ontario will undergo a tremendous growth spurt over the next quarter century, and as we grow, communities all across our province will be making thousands of decisions about land use and development. It doesn't take long to make one of these decisions, but when it's made, it's permanent and there is no turning back. Our children and our grandchildren will live with the consequences of such decisions, whether they are good decisions or not.

I would say quite frankly and directly to the committee members that some poor decisions have been made in our province's past. Too often, decisions about land use have been made on an ad hoc basis. In effect, there has been a tendency for all levels of government to rush ahead into the future without stopping to think about where we want to end up.

Over the years, one-off decisions have been instrumental in shaping our communities so that unplanned, uncoordinated decisions determined where we put our services and where we put our schools, where we built our hospitals and highways and other vital public facilities. Collectively, we have adopted a passive approach for growth, for the most part simply sitting back and letting it happen.

In effect, we have allowed chance, not choice, to shape our communities. This has left us with a legacy that is somewhat tainted. In some parts of the province the legacy is urban sprawl, air pollution, inadequate public services, gridlock and a rapid disappearance of valuable farmland and green spaces. Yet, in other areas of the province, the tainted legacy is economic stagnation and the out-migration of young people.

This is not the legacy we want, nor need, from growth. So, clearly, we need to start doing things better. The proposed Places to Grow legislation would allow the province to develop and issue growth plans reflecting the differing growth challenges and opportunities right across this province. If we fail to act decisively and effectively today, new growth will simply continue to roll over us and, once again, we will be in the position of playing catch-up as we struggle to mitigate the harmful consequences of short-sighted decisions.

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Studies by my ministry indicate that if we take a business-as-usual approach to growth and development, this area that we call the greater Golden Horseshoe will lose another 1,000 square kilometres of farmland by the year 2031. In effect, we would be allowing urban sprawl

to overtake an area the size of the current city of Toronto. In this scenario, commuting times in the greater Toronto area will increase by 45%, on top of the gridlock that we have now. Auto emissions would rise by 42%, on top of the levels that the Ontario Medical Association is telling us are being harmful to our population. We know that this pattern of growth is harmful to our economy, our health and our quality of life. We also know that it is unsustainable.

The proposed Places to Grow Act offers us a new paradigm for land use planning. In effect, this proposed legislation would, if passed, present us with the opportunity to draw a line under past mistakes and make a fresh start on the future. If passed, Bill 136 would allow us to work with municipalities to develop more compact and sustainable communities, more complete communities, places less dependent on the car, more respectful of the natural environment and, I think, indeed more fun to live in.

The proposed legislation would do this by empowering the provincial government to develop growth plans for different super-regions of the province. The plans will help us coordinate land use and infrastructure planning decisions to ensure that they contribute to a broader vision and give us the kind of communities and the kind of society we want. This represents a dramatic change from the approach that we've used in the past for planning for growth. As I said, I truly believe that it's our last, best chance to make a fresh start.

As committee members are aware, if the bill is passed, it is intended that the first growth plan to be developed under Bill 136, the Places to Grow Act, would cover the area called the greater Golden Horseshoe. This area is the economic engine of Ontario and the economic engine of Canada. Indeed, it's one of the fastest-growing urban regions in North America. The key idea is to start planning for economic and population growth in a rational way, instead of trying to catch up to it after the fact. Frankly, it is absolutely vital that we continue to offer a high quality of life to attract the skilled workers, to attract the new investment that will keep us economically competitive.

Ontario is a leader and can continue to be a leader in this regard when we learn from the experiences of other urban centres in North America. I'd like to cite some examples for you. In 1998, Hewlett Packard delayed its plan to build a second 20-storey office tower in Atlanta, which would have accommodated some 1,700 workers. The reason: Atlanta's traffic situation was cited as the main culprit. Workers were travelling 34 miles day, on average, and facing long commuting times. So instead of building a new tower in Atlanta, Hewlett Packard moved the operation to Portland, Oregon, where the city has been practising growth planning for some 30 years.

There are other examples. Adobe Systems Inc. moved thousands of jobs from Silicon Valley to downtown San José, because they felt that the city's amenities would help them attract and retain workers. Where have we heard that before?



Examples such as these teach us that regions with growth management plans also tend to have stronger, more productive and more competitive economies. At the same time, experience also shows that effective growth plans can help sustain regional economies during good times as well as downturns in the economic cycles. By contrast, we also know that unplanned growth—and the traffic congestion, air pollution and urban sprawl that come with it—works as a disincentive to investment by companies when they are looking to either grow or expand. By compromising the quality of life for everyone, growth-related problems make it difficult to attract and retain a good supply of skilled, well-educated workers.

It's time that we started planning for growth in smarter, more effective ways. The proposed Places to Grow Act would allow us to begin doing that right away. It would allow us to develop a rational, coherent plan for public infrastructure investments and to link those public investments to strategic growth planning. As a result, the bill would allow us to provide what Ontarians have told us they want: stronger, more livable communities, a prosperous economy and protection of our natural environment.

Members of this committee should also be aware that there was strong stakeholder support for the draft growth plan my ministry released in February. Our stakeholders want a plan that has teeth. At this point, everyone, including developers, is applauding the government for providing the strong leadership and planning they have been asking for.

This comment from Barrie Mayor Rob Hamilton is typical of the letters we have received: "Your leadership and enthusiasm for addressing the urgent growth issues faced throughout the greater Golden Horseshoe is commendable, and I look forward to working with you."

In general, any concerns raised about the draft plan involved specific implementation questions and cost. If the bill is passed, these issues will be addressed as we review and finalize the plan, but overall, the feedback we have received from the general public strongly supports our goal of ensuring a strong economy and a healthier environment.

Finally, I wish to give credit where credit is due. I would also point out that much of the work that made the draft growth plan possible came out of the Smart Growth process that was started by the previous government. While I would be the first in line, and often was, to criticize so many of the initiatives undertaken by our predecessors, I have to say that the work of the Smart Growth panels made an important contribution to the draft legislation before you today.

In closing, I would like to thank the committee once again for the opportunity to introduce Bill 136 today and to recommend that you deal with it as expeditiously as possible. If we get the planning process right, and if that helps us make better decisions about what we build, and where and when and how we build it, many of the important economic and social goals we hope to accomplish will begin to fall into place.

As I said earlier, we have an exciting opportunity for a new beginning, to make a fresh start and approach to planning for growth. The time to take advantage of that opportunity is now, and our proposed legislation that can make it all happen is before you today. I ask this committee to give your urgent attention to Bill 136.

Madam Chair, thank you very much for the opportunity to offer some opening comments. I look forward to answering any questions or hearing any comments from committee members.

**The Chair:** Thank you, Minister.

As agreed to by the subcommittee, this time has been allotted for questions by members of the committee. We gave ourselves 15 minutes total. I presume there would be an equal distribution. Unless I see any other comments, we will give you your five minutes each. Mr. Hudak, would you like to begin?

**Mr. Hudak:** Minister, thank you very much, and thanks also to you and your staff for the briefings you provided to the Conservative caucus on Bill 136. I know they're in the audience here today, and it's much appreciated. And thanks for being early, which is too rare an occurrence, I think, for folks coming before the committee. It's probably not the case just in the last couple of years; it's probably a bit of a pattern, so thanks for being here, and for the presentation.

The main criticism we've brought forward to date on this—we'll look forward to exploring it through the presentations—is, where is the beef? It's important to have the plans. I commend you for the work you've done with the plans. You're a strong spokesperson for the work you have done, but you need the investments to go along with it. If you want to support intensification, you would make those infrastructure investments, or have the tax plans to support them.

Minister, where is the beef? When will we see actual investments rolling out, and who makes those decisions?

**Hon. Mr. Caplan:** Thank you, Mr. Hudak, for the question and for your opening comments. Of course, the reason I was early is that I'm very enthusiastic to talk about Bill 136.

I would make a couple of comments. First of all, you've already seen some of the investments, whether it's a billion dollars to go into the TTC for state of good repair and also to help with some limited expansion, whether it's a billion-dollar contribution for the expansion and improvement of GO Transit services across this entire region; for example, expanding service up to Barrie, and full-day, two-way service to Hamilton. So you've seen some of those. You've seen us support the environmental assessment work for the Waterloo region LRT. I hope to be in a position, after that work is completed to be able to support some of that work.

I believe, as well, that you're seeing additional work in investment, as my ministry is working on, in longer-term capital plans, which should be in place in the weeks and months ahead.

1620

**Mr. Hudak:** I appreciate it, Minister. We haven't seen the interregional transit systems you talk about advance



enough, and I think we owe that to those who come before the committee. Transportation projects—I know it's not your decision; it's Minister Takhar's—have totally fallen off the board. The mid-peninsula corridor, other transportation highway expansions and the GTTA are nowhere to be seen. We get promises that they will appear someday, but they remain a bit of a mystery.

The other question I wanted to ask, because I know our time is short, is on intensification. There have already been a number of high-profile projects that have been sent off to the OMB that councils have rejected: Sherway Gardens here in Toronto—I think 1,000 units of intensification is going to the OMB; Oakville has rejected a couple of proposals—Sharkey's and Palm Place, if I have the names correct. So if you try to hit the intensification goals in municipalities and councils reject them because local citizens don't like them, how do you square that circle? How are you going to ensure that you actually hit your intensification targets, or are you going to strengthen the OMB to force these decisions on local councils?

**Hon. Mr. Caplan:** I'd like to answer the question, but first to your early remarks about the mid-pen: You would be quite aware that the Ministry of Transportation issued the terms of reference for the environmental assessment. As we had promised, it will be a full environmental assessment, as we think that's very important for that route to move ahead, but there should be full opportunity for the public as well in the routing of the highway. As far as the Greater Toronto Transportation Authority is concerned, that is moving ahead quite well. We've engaged a number of stakeholders. I hope that you similarly, Mr. Hudak, will be engaged as that body comes forward.

As far as intensification is concerned, it's fully our intention—I hope what you're going to hear from municipal leadership who come to speak to Bill 136, and also who have talked about our draft plan, is that this is an area that has presented a challenge in the past, certainly to municipal councils. Certainly there has been a complete absence of provincial leadership to make sure we grow in a way that has sustainability and that there is not only the legislative and regulatory framework, but the provincial area of investment strategy.

We think we can help things along. Our first step was to ask our urban strategists to work with us to help begin to develop a plan and a methodology that will detail whether a 40% intensification target, first of all, is even realistic. The answer to that was a very emphatic yes. I think there will be some criticism of the government by some that we haven't chosen an aggressive enough intensification target. There will be others who will argue that we've taken too aggressive an approach. I fully acknowledge that for some community residents, issues of new growth, of infill, of redevelopment will be issues. But by having official plans as part of the sub-area strategy, and the sub-area strategy as part of a larger growth kind of concept, along with Ontario Municipal Board reform, I believe we will be in an excellent

position to work with local communities as well as with municipal leaders and industry representatives to meet those targets. We've chosen—

**The Chair:** Minister Caplan, thank you.

**Hon. Mr. Caplan:** I'm sorry, Madam Chair. I hope to have an opportunity to continue this discussion with Mr. Hudak, because I think it's an excellent question.

**The Chair:** Thank you, Minister Caplan. Ms. Churley, you have five minutes.

**Ms. Marilyn Churley (Toronto-Danforth):** Thank you, Minister. Because I only have five minutes, instead of asking you questions, I'm going to use the opportunity to give you a short critique of the bill as I see it. You will therefore have some sense, as you already know, of where I'm going to be coming from with this in terms of amendments.

To me, this is déjà-vu all over again with the greenbelt. For instance, this bill contains no provisions requiring provincial works or undertakings—i.e. highways and infrastructure—to conform to growth plans. I'm going to give you an example. As noted in the draft plan for the greater Golden Horseshoe, there are numerous highways or extensions. You call them economic transport corridors, but we're talking about new highways. Some of them are cutting through the greenbelt, which I wasn't able to do anything about during that debate, and I'm hoping to in this one.

Let me give you an example: One such corridor links Kitchener-Waterloo and Guelph to the GTA. Of course, an alternative we should be looking at, with the Kyoto CO<sub>2</sub> and smog problems, would be rail to move goods and people around, extending the GO train into these areas. That's an example. I think it's really short-sighted in terms of what you say you want to achieve through this. It sounds very much like the greenbelt. What you want to achieve is not going to be achieved unless these amendments are made.

I want to tell you of a few other areas where I have great concern. The 40% intensification target by 2014, in my view, is uninspired. Research conducted for your own ministry suggested that an even higher target might be feasible, as in the greater regional district of Vancouver. They've got 70% by 2021. England has targeted 60% by 2007.

As I've already mentioned, it is extremely counter-productive to include three new highway corridors beyond those in the initial discussion document. You know which ones they are, and they remain part of the plan. I really want to emphasize how important this is strategically within the greenbelt. Some of these are running right through the greenbelt. They undermine the plan's goal, as you put it, regarding the containment of sprawl and the promotion of more sustainable development patterns. If this weren't enough, as I've said, you've added the two new corridors to the mix. Some might say, "You're never going to see the money for those anyway," which is another way to look at it. But I believe this is really short-sighted.

I understand the political pressure, but we really have to take this opportunity to achieve these goals now. In my



view, of the highways, the extension of 404 is particularly problematic because it's key to the Queensville development. It means sprawl all the way to Lake Simcoe. As I said, when we debated the greenbelt in this committee, because of that, the greenbelt doesn't achieve its purpose, that is, stopping urban sprawl. This just adds to that.

The 404 extension will put pressure on the northern greenbelt boundary, and the 427 extension will put pressure on the southern boundary. So much for the government's greenbelt as a cornerstone of the strategy for sprawl; it's not going to happen.

In other areas, the plan takes an extremely weak approach to the issue of settlement area boundary extensions. There are no clear tests set for extensions except in the short term until the sub-area plans are developed, and then they are only factors to be considered as opposed to hard tests.

I don't think I have much time left, but I want to try to get a couple more points in.

**The Chair:** Fifty seconds, actually.

**Ms. Churley:** The plan takes a fairly blunt approach to the intensification areas.

I have some more issues as well, which the committee probably will hear about from some of the people who will come before the committee, but these are some of the areas where I have great concern, and I hope we can strengthen the act so it does what you hope to achieve.

Thank you for this opportunity.

**The Chair:** Minister, you have 30 seconds if you want to say anything.

**Hon. Mr. Caplan:** I would say that in two of your comments you focused a great deal, Ms. Churley, on highways. You would note—I would hope, with some delight—the transit expansion plans out to Waterloo region, as we've shown them on one of the maps in the appendix of the plan. I would hope you would comment favourably on that.

The second one I would mention, in regard especially to Highway 427 but to others, is that we want to have a large enough inventory of employment lands. We believe that is critical. We hope to support the creation of two million new jobs in the area, so we obviously need land available to be able to support those jobs. In fact, that's precisely why we're moving in this direction.

**The Chair:** Is there anybody from the government side who would like to take their five minutes?

**Mr. Brad Duguid (Scarborough Centre):** Minister, I'm not going to ask you where you bought your tie today. I will ask you that some other time.

Thank you, Minister, for being here today and for the leadership you've shown. This is a very important file. In particular, members from ridings in the greater Golden Horseshoe are experiencing every day the increase in gridlock. There were some very disturbing facts you brought forward, with the potential for commuting time to go up 45%. I'd see that as an absolute nightmare for our economy; I'd see it as a nightmare for our quality of life. Auto emissions going up 42%: Obviously that would

have major health repercussions in the greater Golden Horseshoe area.

This isn't all about the greater Golden Horseshoe. I recognize that. But to me, it is. That's where I'm from, that's where I was elected and, frankly, that's where I think we have some very, very serious problems.

1630

It's not all about just quality of life either; it's about the economy. My read of this is that it would bring some certainty to our building sector in terms of where they could and could not develop; it would bring some certainty as to where development should take place, to encourage it to take place where the infrastructure is, which is better for everybody; and it would ensure that intensification is something that would be greatly encouraged, which I think is a real benefit to our building sector.

My question to you is, do you believe that the establishment of this growth plan will indeed end up being a benefit to our building sector?

**Interjection:** Careful.

**Mr. Duguid:** It's a tough question.

*Interjections.*

**The Chair:** Please don't heckle. Let the minister answer.

**Hon. Mr. Caplan:** I want to thank the member for the question. I don't think there's any doubt that we have a long legacy of a lack of leadership and a lack of planning to overcome.

I do believe that not only will the growth plan certainly help deal with some of the growth pressures, say in the greater Golden Horseshoe, but I believe that in northern Ontario, for example, we can work on and develop a growth plan to help with some of the serious problems of economic stagnation, of youth out-migration, that have persistently plagued northern Ontario. In fact, it's the belief of our government that all areas of this province deserve to have growth, can support growth, can support our overall provincial economy.

I'd like to pick up on one of the points that you made earlier, Mr. Duguid, when you talked about gridlock and the potential for its increase. Already today, the Toronto Board of Trade estimates that gridlock costs our city some \$2 billion in lost investment and productivity annually. I believe that the people of Ontario, the people of the city of Toronto, the people of the greater Golden Horseshoe are ready for provincial leadership, they're ready for someone to take action on issues such as poor air quality, on issues such as gridlock, on issues such as sprawl. In fact, with this plan I think our government is showing the leadership which is going to make a real difference in some of those problems.

**Mr. Duguid:** I was thinking about a supplementary, but I'm satisfied with that answer.

**The Chair:** Thank you, Minister, for your time here today. We appreciate your being here, being early, being enthusiastic.



MINISTRY OF PUBLIC  
INFRASTRUCTURE RENEWAL

**The Chair:** We're at the point in our meeting where we're going to go to our technical briefing. We allotted 15 minutes for the technical briefing, so if the technical briefing goes to 15 minutes, there will be no opportunity for questions. I'm going to leave it in the hands of the staff to come forward and know that if you fill your 15 minutes, there will be no opportunity for questions afterward. We are trying to stay to a strict schedule so that we get to the delegations that have requested to appear before us.

Before you speak, could the individuals who are at the table and who will be speaking today identify themselves for Hansard. When you begin, you'll have 15 minutes.

**Mr. Brad Graham:** Thank you, Chair. My name is Brad Graham. I'm the assistant deputy minister of the Ontario Growth Secretariat with public infrastructure renewal.

**Ms. Jacqueline Wigle:** My name is Jacqueline Wigle. I'm legal counsel.

**Ms. Tija Dirks:** My name is Tija Dirks. I'm the policy manager with the Ontario Growth Secretariat.

**Ms. Alison Mackenzie:** My name is Alison Mackenzie. I'm legal counsel.

**Mr. Graham:** Thank you, Chair and members of the committee. I'll try to be as efficient as possible going through the slide deck, which I believe you received prior to this meeting. I'd like to spend some time talking about the main components of the bill, including its purpose and the growth plan process, which would include growth plan areas, the contents of growth plans and the process of making and approving growth plans, as well as a process for amending growth plans and the 10-year review, as well as spend some time on the conformity provisions in sections 12 and 14 and the regulations sections.

I think it's important to point out, though, at the outset that the proposed bill is not a growth plan, nor does it contain a growth plan. It does, however, establish the statutory framework for developing and implementing growth plans across the province. For example, the committee has already alluded to the fact that we have a draft growth plan in consultation for the greater Golden Horseshoe. However, the proposed bill contemplates growth plans being developed across Ontario.

In terms of background, that growth plan was the evolution, if you will, of a discussion paper we had in the summer. We released the draft growth plan for the greater Golden Horseshoe in February. We've also released companion technical papers on population and employment forecasts, land use intensification targets, current assessment of land supply and urban growth centre delineation. They were released in January and February. A public comment period on the EBR for the draft plan is actually ending today.

In terms of the purpose of the bill, section 1, basically the bill would enable decisions on growth to sustain a

strong economy and strong communities, and promote healthy environments. It would provide and promote a rational and balanced approach to growth planning that builds on community priorities, as well as an efficient use of infrastructure. It will reflect broad geographic perspectives, as well as integrating policies across natural and municipal boundaries, and ensures a long-term vision and goals to guide decisions about growth.

In terms of the main components of the bill, sections 3 and 4 outline the process for designating a growth plan area by regulation. Once a land or area had been identified, a proposed growth plan would be prepared.

Section 6 of the bill outlines the possible components of a growth plan. As you know, growth planning is prevalent around mature economies. We've tracked some 200 jurisdictions worldwide that have similar approaches to growth planning, and the components included in the proposed bill for our growth plan are very similar to what you would find in other jurisdictions. They are broad and flexible, and again that is to allow for the varying circumstances one would find across the province and would include things like population projections and allocations, assessment of future growth areas, potential growth strategies for sub-areas within a growth planning area, as well as policies, goals and criteria in relation to things like intensification and density, land supply, infrastructure development and location of that infrastructure, transportation planning and community design, as well as other policies that may be considered advisable.

Section 7 of the bill outlines the process for making and approving a growth plan, and that would involve preparing a proposed plan. After an area has been identified, there is a consultation process outlined in the bill, including the posting of a proposed plan on the Environmental Bill of Rights. There are options for further consultation, and if throughout that consultation modifications are required to the proposed plan, the bill outlines the process there.

Section 5 deals with the ability to appoint advisory persons or committees. These persons or committees could carry out such consultation as the minister directs and provide advice and recommendations on things like the preparation and implementation of growth plans, amendments and revisions, as well as the facilitation of issues that need resolution. It also provides for the fact that the Minister of PIR would be authorized to confer with any person or public body regarding a proposed growth plan.

In terms of the process for amending a growth plan, first you would have a proposed growth plan for an area, there would be a process of consultation and then a final approved plan. Once that occurs, there is the potential for amendments, which is outlined in section 10. That contains provision for the minister to amend the plan and contains procedural requirements similar to those that would apply to the first making of a growth plan. For example, a more detailed sub-area analysis or direction could be added by amendment to a plan, which is in fact suggested by the current draft growth plan for the greater



Golden Horseshoe. Those amendments would require LGIC approval.

There is an exception for the proposed amendments: If, in the opinion of the minister, amendments would not have a significant effect on the general application of the growth plan, the minister would be permitted to approve such amendments. Again, decisions to approve an amendment by LGIC, or the minister for those non-significant amendments, would be final and not subject to appeal.

Section 9 speaks to the fact that growth plans should undergo a review after 10 years. Again, there is a public consultation process for those reviews.

Sections 7 and 11 refer to the potential of appointment of a hearing officer. Once appointed, the hearing officer could fix a time and place for a hearing and procedures, and give notice to affected persons or bodies. After the hearing, the hearing officer would make written recommendations, not decisions, with reasons for those recommendations to the minister within 30 days. However, that could be extended, with reason. After the minister considers the recommendations, if the minister makes a modification to a proposed plan or amendment, the minister would include a summary of the submissions and comments when submitting the proposed growth plan or a proposed amendment to the Lieutenant Governor in Council.

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Sections 12 and 14 relate to the conformity with a growth plan, and the proposed bill states that municipalities or municipal planning authorities in areas to which a growth plan applies would be required to bring their OP into conformity with the applicable growth plan. In terms of timing, this would be required no later than the next OP review as delineated in the Planning Act.

In the circumstance of non-conformity, if, in the minister's opinion, a municipal OP does not conform with the growth plan or is not brought into conformity by the date required, the Minister of Public Infrastructure Renewal could advise the municipality of the particulars of nonconformity and invite proposals for resolution within a specified period of time. If the council or municipality fails to submit proposals to resolve the non-conformity issue within that time frame, or if the proposals as submitted do not meet the conformity opinion of the minister, then Bill 136, if passed, would permit the Ministers of Public Infrastructure Renewal and Municipal Affairs and Housing to issue a joint order to amend an OP to bring it into conformity.

In terms of scope of conformity, Bill 136 would, if passed, require all decisions by decision-makers under the Planning Act, the Condominium Act or other acts to be prescribed to conform to the OP. If there's a conflict between a growth plan and an OP, a zoning bylaw or the provincial policy statement, then the growth plan would prevail. However, there is an exception to that conflict. In cases where there's a conflict between a direction in the growth plan and a direction in the provincial policy statement, Niagara Escarpment plan or Oak Ridges moraine

plan that relates to the natural environment or human health, then the direction that would provide the greater protection would prevail.

Sections 17 and 18 speak to regulation and regulation-making authority. The bill, if passed, would authorize the Lieutenant Governor in Council to make regulations that could specify other acts which would have to conform to a growth plan and the ability to clarify or address issues regarding the application of the environmental and human health conflict provision of the bill which I just elaborated.

Finally, the bill also includes regulation-making authority for the minister. That would be in terms of things like changing the designation of area of settlement, changing the notice provisions of proposed amendments to GPs and prescribing additional persons or bodies to whom notice must be given. There's regulatory authority to provide for transitional matters to facilitate the implementation of the growth plan.

I'm not sure how much time I have left over to entertain questions by the committee.

**The Chair:** Thank you, Mr. Graham. We have about a minute and a half. Ms. Churley, did you have any questions on the technical briefing?

**Ms. Churley:** There's so little time that I can't really get into it; I have a lot. On page 14, you talk about "the direction that would provide the greater protection would prevail." Let me give you an example: aggregates, which are allowed within the greenbelt and within this act. How would that work if there's proof that aggregate expansion would be detrimental? How would this new act help with that, or would it?

**Mr. Graham:** In that instance, unless there was a specific direction in the growth plan under that hypothetical to stop that extraction for the reasons you mentioned, it would defer to the PPS. Whatever plan offered the higher level of protection for the natural environment would prevail.

**Ms. Churley:** So there's no protection anywhere when it comes to aggregate expansion? We're all out of luck, I guess. That's the reality: This plan doesn't deal with it either.

**Mr. Graham:** At minimum, the site would have to follow the directions of the provincial planning statement. The intent behind this provision is that protection of the natural environment wouldn't be in any way eroded from the existence of the growth plan and that in any instances we would not, if you will, offer less protection of the natural environment.

**The Chair:** Are there any questions from the government side?

**Mr. Rinaldi:** No, thank you.

**The Chair:** Mr. Hudak.

**Mr. Hudak:** Thanks very much for the presentation. Just a short, simple question: Which is the lead ministry for land use planning in the McGuinty government?

**Mr. Graham:** In relation to growth management, it's the Ministry of Public Infrastructure Renewal. When it comes to things like the PPS and the Planning Act, it's



the Ministry of Municipal Affairs and Housing. But I must say that we work hand in glove and regularly on a day-to-day basis to make sure that the initiatives underway in MMAH are consistent with our growth management plans at PIR. One of the benefits, if you will, of establishing or moving over to PIR, because we were with municipal affairs and housing, is the direct link to the capital planning process.

**Mr. Hudak:** Is it a reasonable expectation that MPIR will be making the capital decisions through a line item in the budget?

**Mr. Graham:** Pardon me?

**Mr. Hudak:** Will public infrastructure renewal be making capital decisions through a line item from the provincial budget?

**Mr. Graham:** Yes. Through the normal capital process, PIR is the lead ministry when it comes to developing the capital plan. So we are working with colleagues in my ministry to determine that capital envelope and its priorities. As I said, we link regularly with MMAH from day to day.

**Mr. Hudak:** So if I'm the city of Oshawa, which is coming before us shortly, and I'm renewing my official plan, which ministry do I interact with, or do I interact with all? Are there going to be any issues with confusion, and how will you remedy that?

**Mr. Graham:** We're working out the administrative details, but we don't want to invent any new process. Certainly, the one-window approach by MMAH and their primary relationship with municipalities will continue. We're not going to establish a new process for that. So they would continue to deal with MMAH for day-to-day matters.

**The Chair:** Thank you, staff, for the technical briefing. We appreciate your being here today.

#### CITY OF OSHAWA

**The Chair:** Our first delegation this afternoon is John Gray, mayor of the city of Oshawa.

**Ms. Churley:** On a point of order, Madam Chair: I just wanted to point out to people that I have a slight eye problem which light bothers. So if I put on my sunglasses here, it's not to be pretentious, it's to shut out the light.

**The Chair:** To protect you, good.

Just before we begin, I want to bring attention to the subcommittee—there was a change in our meeting schedule. There was an additional day, based on the number of delegates we have. So we are meeting for that fourth day, which is Wednesday, April 27. If you weren't aware of that, I'm going to bring your attention to that now.

Welcome, Mayor Gray. Thank you for coming. Could you identify yourself for Hansard before you begin to speak, and the group that you speak for. You have 15 minutes. I will give you a two-minute warning, should you go long. If you want to have questions asked of you, you need to leave a little bit of time; otherwise, you have the whole 15 minutes.

**Mr. John Gray:** Unless I read slowly, it shouldn't take 15 minutes.

**The Chair:** OK.

**Mr. Gray:** First of all, my name is John Gray. I am the mayor of Oshawa. As mayor of the city of Oshawa, I agree with the intent of Bill 136, that in order to accommodate future population growth, support economic prosperity and achieve a high quality of life, a growth plan for the greater Golden Horseshoe is needed to guide growth and development in a coordinated and efficient manner.

Accordingly, the passage of Bill 136 is supported in order to provide the legislative authority for the preparation of growth plans by the province. This bill will enable the province to assist municipalities in attracting employment opportunities; assist the province in prioritizing infrastructure investment decisions; ensure that growth is managed and coordinated for the long-term social, economic and environmental health of the greater Golden Horseshoe; and maintain the province's status as the leading economic powerhouse in the country.

As mayor of the city of Oshawa, I support more provincial direction in the areas of allocation of growth, establishing firm urban boundaries, protection of prime agricultural land, water resources and environmental stewardship; ensuring an adequate land supply for urban uses; providing direct provincial financial incentives to stimulate brownfield redevelopment; and direct and indirect incentives to stimulate reinvestment in historical downtowns and affordable housing. Furthermore, a number of key cultural attractions are found in core areas and often need help to make a full contribution to the cultural vitality of our cities and citizens.

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When it comes to finalizing the details of the growth plan itself, I trust the province to listen to its partners, the municipalities, and respond to the comments and issues raised. Municipalities can best assess the appropriateness of the proposed implementation approaches. Flexibility and sensitivity to local circumstances are necessary to achieve the best results. Managing growth in the Golden Horseshoe is essential, and it is important that the province and municipalities work together co-operatively to get it right.

The April 14 issue of the Toronto Star reported on a Conference Board of Canada study finding that Oshawa will lead Canada in economic growth next year and through to 2009, fuelled by increased investment and vehicle production at General Motors of Canada Ltd. The headline reads: "Canada's Next Boom Town: Oshawa."

This is good news for the city, for Durham region, for the province and indeed for Canada. A partnership with the province is needed to ensure that this growth forecast is achieved and to build on the economic advantages of the Oshawa area. Much of the previous growth and infrastructure has been directed to areas west of Toronto. The time has come to direct more resources to areas east of Toronto and to focus this growth in locations where there is a substantial employment centre already estab-



lished. Oshawa fits the bill. We need the province's help to reach our potential.

Oshawa has three pillars of growth upon which to build and lead us into a prosperous future. They are the General Motors of Canada manufacturing plant, the new University of Ontario Institute of Technology, and Lakeridge Health Oshawa, including the construction of a new cancer centre.

Continued support of GM, UOIT and Lakeridge Health is fundamental to sustaining growth in this vital urban area east of Toronto. I support the policy foundations of the proposed legislation and the draft growth plan, which encourage compact, efficient growth and the maximization of infrastructure. These policy directions are consistent with the support and expansion of these facilities in Oshawa.

However, there are a number of infrastructure improvements which would support the development of the Oshawa area: extension of the GO train service eastward, construction of long-outstanding Highway 401 widening and interchanges, and the extension of Highway 407.

Directing provincial investment to improving the easterly transportation connections and to supporting employment in Oshawa will achieve balanced economic growth across the greater Golden Horseshoe and stable sustainable communities east of Toronto.

Downtown Oshawa is identified as an urban growth centre in the draft growth plan and I strongly support the emphasis that the draft growth plan, and Bill 136 place on reinvestment in Ontario's historical downtown cores such as is found in the city of Oshawa. Our downtown is able, ready and willing to accommodate many of the key objectives of Places to Grow, such as affordable housing, compact urban form, intensification and employment opportunities of provincial and regional significance. There are a number of sites in downtown Oshawa which provide opportunities for significant development and intensification, including some brownfield sites.

Recently, city council has put its best foot forward by approving a new multi-million dollar sports and entertainment complex in the heart of downtown Oshawa as a new home for the Oshawa Generals.

Following the lead of the Ministry of Public Infrastructure Renewal, the city of Oshawa is already preparing an action plan to stimulate residential and commercial investment in Oshawa's downtown, consistent with Bill 136 and the Places to Grow policy directions.

The city has offered to have downtown Oshawa act as a pilot project that can be a showcase for the province's policy objectives and demonstrate to other communities how Places to Grow can work. I am convinced that a partnership initiative with Oshawa as a pilot project can only achieve a win-win outcome for the province and Oshawa.

The passage of enabling legislation for the creation of growth plans demonstrates the province's commitment to managing growth and building strong communities. Oshawa supports the preparation of a long-term strategy for the coordination of growth in the greater Golden

Horseshoe and the identification of urban growth centres as focal points for residential and employment growth. Oshawa is prepared to do its part to help the province realize its goals.

**The Chair:** Thank you, Mayor Gray. You've left three minutes for each party to ask you questions or make comments on your presentation. The government side, Mr. Rinaldi.

**Mr. Rinaldi:** Thanks, Your Worship, for your presentation. Just to comment first, it's refreshing that you've taken the lead, that Oshawa has taken the lead, on the pattern we set as a province. It's really encouraging that you're doing that.

A couple of questions maybe you could elaborate on: You have three comments or requests that you put forward in your presentation that could make things better. One is the extension of 407 to your area. I'm particularly interested in that, because obviously that opens up a whole new era for Oshawa and eastern Ontario. Can you elaborate on what that really means to you?

**Mr. Gray:** Certainly. All the areas of Durham region—Pickering, Ajax, Whitby, Oshawa and Clarington—can benefit from the 407. There are a number of lands that have been set aside in that area for employment purposes, and of course we're jammed as far as transportation corridors are concerned. When it comes to the eastern part of the GTA, we only have the 401, essentially, as the main area to move goods. We all know that the movement of goods is so important to our economy. With the 407, not only can we move people, but it's the movement of goods, and of course that will drive some development opportunities, most especially the employment lands.

**The Chair:** Mr. Hudak, you're next. You have three minutes.

**Mr. Hudak:** Thank you, Your Worship, for the presentation, and congratulations on your ongoing success in Oshawa.

A quick question for you with respect to, I guess, local decision-making: The plan that the legislation allows for is calling for 40% intensification targets in all the municipalities that the plan would include. It was characterized at the launch as sort of taking Yonge and Eglinton from downtown Toronto and transposing it on areas like Oshawa or Milton or Oakville—that sort of thing. Do you think we should set that target for all the municipalities that are part of that growth plan, or should they probably be given a bit of choice, or go further if they so choose?

**Mr. Gray:** First of all, you've hit on one of the areas that's probably going to be the biggest challenge, which is to find ways to meet the intensification targets. There's no question that you have to walk before you can run. You look at Yonge-Eglinton, started 50 years ago as an intensification, I believe.

For us, it's going to take a bit of a shift in attitudes, where up until now the single-family home has been the focus. So getting the intensification along our arterial roads is going to be first and foremost, and then seeing



that denser, tighter form is the second phase. Will it happen overnight? No, it won't. Can we do it within that 10 years, as prescribed? That's probably a little aggressive, and it's probably going to be the biggest challenge, for everybody to meet those targets. I rather suspect that they'll have to be modified. There will probably be some great success stories, and others that are going to linger. They're not going to want to move to that type of intensification, and I understand that.

I know just within Durham region itself there are municipalities that really place the emphasis on the 50-foot lot. That's where their marketing effort is; that's the lifestyle that they're trying to promote for their community. So will they easily adapt to intensification? No, they won't. But then there's the city of Oshawa. I think we've had some intensification over the great many years the city has been in existence. So it's going to be easier for us to shift, to move to that form.

**Mr. Hudak:** The other question I wanted to ask Your Worship was, section 6 is the part of the act that says what a growth plan can cover. A lot of the areas in section 6 are what regions, the upper tiers, currently do in the growth plan area. What would your advice be, having experience at both levels, on what the responsibility should be of the local and the regional, and then what role should the province play so we don't have overlap?

**Mr. Gray:** I think there needs to be, first of all, an overarching plan, trying to make sure that we don't have one continuous urban form from Oshawa down to Niagara Falls. I think we all want to avoid that, so clearly there has to be some overarching provincial initiative, and hence, I believe, this legislation. But there has to be, obviously, a co-operative nature.

Are there going to be disputes where perhaps some municipalities feel that that urban line has been drawn incorrectly and it needs to be moved? I think we're going to see those types of things come forward as time goes on. I don't see it as necessarily a bad thing, but you're right: I don't think anybody wants to create a huge bureaucracy to administer this; I think there just has to be some overall guidelines set, and some flexibility as well. If there's one thing in politics, there's always an exception to every rule, and I think we need to make certain that we can accommodate some of those exceptions.

1700

**The Chair:** Thank you, Mayor Gray. Ms. Churley, you have three minutes.

**Ms. Churley:** Thank you very much for your presentation, Mayor. I just wanted to have you expand a little bit on the issue around the responsibilities of the municipalities and the rights of the municipalities versus the province. You mentioned that flexibility and sensitivity to local circumstances are necessary to achieve the best results and that it's important to work co-operatively to get it right. Where do you see the balance in terms of—I mean, you've got an incredible challenge ahead of you in terms of the boom that's happening, given all the issues around urban sprawl and Kyoto and smog and all of those things. How do you see that working?

**Mr. Gray:** Thank you very much for the question. I think there will be, at times, disputes between municipalities and the province. I guess that at the end of the day we're creatures of the province and they win. But I think there needs to be at least a willingness on the part of the provincial government to really be serious about looking at municipal concerns. If you don't do that, then I think you're not going to be as successful as you wish to be.

Are there areas where the province needs to take priority? Yes, absolutely: the willy-nilly moving of the urban line just to get more growth because growth is very attractive to us as municipalities. So maintaining well-defined lines is going to be important, I think, and there has to be a well-defined guideline of what qualifies to move those lines.

Yet, as I say, I think there are a few lines that could be moved logically. We can use, for example, watershed areas as opposed to municipal boundaries. Sometimes you've got services on one side of the road, and yet you're saying, "No development shall occur on the east side of that road." Some of those things don't quite make sense, and that's where I think the improvements have to come into play. But there definitely has to be that strong interaction and understanding that municipalities do have a strong understanding of planning issues, as does the upper tier, the region of Durham.

**The Chair:** Thank you, Your Worship, for coming.

## NIAGARA REGION

**The Chair:** Our next delegation is from the Niagara region: Mr. Peter Partington, regional chair, and Bill Smeaton, chair of the planning services committee. Could you come forward, please?

Welcome. If you want to wait until your handout is out, I won't time you until you begin. If you're all going to speak, could you all identify yourselves for Hansard.

**Mr. Peter Partington:** My name is Peter Partington. I'm the chair of the regional municipality of Niagara.

**Mr. Bill Smeaton:** I'm Bill Smeaton, regional councillor elected from Niagara Falls and chair of the planning services committee of the region.

**The Chair:** Welcome.

**Mr. Partington:** Thank you. Joining us is Corwin Cambray, our commissioner of planning.

Chair and members of the committee, thank you for the opportunity to make a presentation on the regional municipality of Niagara's views on the proposed Places to Grow Act and draft growth plan. Your focus, I understand, is on the proposed act. The application of the act, however, can be seen in the draft growth plan for the greater Golden Horseshoe.

It is important to remember that the recently approved greenbelt plan affects Niagara significantly. Nowhere in the greenbelt area except Niagara have urban communities been completely cut off from urban expansion in order to protect the provincially and nationally significant tender fruit and grape areas. The region of Niagara has



been a strong supporter of protecting the tender fruit and grape areas, as set out in the regional policy plan's vision for future development and conservation. Support for agriculture, however, is necessary. While the greenbelt plan recognizes part of the vision on the tender fruit and grape areas, the other part of the vision is largely missing in the Places to Grow documents.

One of the purposes of the act is to provide a rational and balanced approach to decisions about growth that builds on community priorities, strengths and opportunities, and makes efficient use of infrastructure. In Niagara, we support the purpose of the act, yet the province has not recognized Niagara's priority for future development along the extended Highway 406 and Welland Canal corridor through Thorold and Welland to Port Colborne.

Similarly, there was no consideration of the already designated development potential within the urban areas in the southern part of Niagara; namely, Niagara Falls, Fort Erie, Thorold, Welland and Port Colborne. The Niagara-GTA corridor is recognized and is an integral part of sustaining a robust economy, another purpose of the act.

More specifically on the act, the emphasis should be on the broader strategic level to guide urban form, infrastructure and investment decision-making. There needs to be a clear link with and recognition of the municipal role in community planning. Therefore, five changes to the act are recommended:

Under section 2, the definition of "growth plan" should include the phrase "means a broad strategic plan" to indicate that it does not duplicate municipal plans.

Under section 4, the growth plan should be prepared for the whole area, keeping in mind its overall strategic nature. The phrase "or part of an area" should be deleted.

Next, under section 6, the contents of a growth plan are set out. Here there is clearly too much detail for a provincial plan while omitting the important role of provincial implementation, on which the chair of Niagara's planning services committee, Bill Smeaton, will speak.

Some changes we are recommending include removing clause 6(c) on growth strategies for single municipal areas and subclauses 6(d)(ii) through (vi), (xii) and (xiii) that can involve detailed planning issues for which we already have the provincial policy statement and municipal plans. What is missing from section 6, and that is fundamental to a provincial plan, is that the strategic growth plan should include specific actions to be taken by the province to implement or achieve the policies or goals.

Thus, in short, regional council is generally supportive of Places to Grow, while seeking recognition of Niagara's long-standing "grow south" strategy and focusing the act and plan on strategic issues, including provincial initiatives in implementation.

Thank you for the opportunity to address you on these issues. We agree this is truly the time to plan for the future. I'd like to turn the matter over to regional councillor Smeaton.

**Mr. Smeaton:** Thank you, Mr. Chairman, and thank you, Madam Chair and members of the committee, for the opportunity to address you on the proposed Places to Grow Act and draft growth plan.

My comments today focus on the implementation of the growth act and plans and how this would affect municipalities. As chair of Niagara's planning services committee, I have a strong and long interest in how our communities develop to achieve a high quality of life, as stated in your act.

There is very little information supplied in the act as to how the growth plans would be implemented or what assistance the province will provide to municipalities in this regard. In Niagara, I believe the regional policy plan contains many of the key elements that support a provincial growth plan, including protection of agricultural areas, firm urban boundaries, alignment of capital expenditures and incentives for development in the urban centres of our communities such as brownfields or intensification of old and centrally located areas within larger municipalities in particular.

What is missing are the provincial programs that will help us implement Niagara's vision for development and conservation. This vision supports the provincial growth plan, as the regional chairman has stated.

In another forum, but not an unrelated topic, regional Niagara has made clear what is needed to support agriculture, such as investment in research and marketing. That particular industry is worth \$1.8 billion to us in Niagara alone. It's huge, and the province was very complimentary of recent studies that we've done in that area.

If these provincial planning initiatives are to be converted into action for shaping the communities we want, public investment, we believe, is definitely required. The act needs to identify provincial implementation tools. It cannot all fall to municipalities, as clause 6(d)(xiv) would seem to imply. Certainly municipalities must do their share, but we feel that the province must also join with us in partnership.

**1710**

Within urban areas the province needs to provide financial incentives for brownfield redevelopment and intensification. Regional Niagara and the local municipalities are doing it now. What a much more effective program it would be with at least an equal contribution from the province. Section 6 should include a reference to provincial financial contributions and other tools. As everyone here knows, I'm sure, the municipalities only have one source of revenue, and that is, of course, the land use property tax base. You folks can go to other areas for your money.

The widening and extension of Highway 406, the building of the Niagara-GTA corridor, municipal transit, affordable housing and servicing infrastructure for future development are all important components in the future of Niagara in which the province is involved.

The Places to Grow legislation and the first draft growth plan seem to be drifting into too much detail



rather than staying at the strategic level and identifying the financial tools necessary for us to achieve a high quality of life for Ontarians. Places to Grow does not have to do it all; rather, it needs to work with and support the municipal planning system that, while not perfect, has achieved much.

In conclusion, the act and plans will not achieve their purposes and objectives, in our opinion, unless the province provides the supporting financial resources and infrastructure investment.

I thank you again. This is a very important topic that affects all aspects of our community, citizens and future. I'd be happy, along with Chair Partington, to answer any questions that members may have.

**The Chair:** Thank you, gentlemen. You've left about two minutes for each party to ask questions. Mr. Hudak, you have the floor.

**Mr. Hudak:** Chair Partington, Councillor Smeaton and Mr. Cambray, thank you very much for being here and for the presentation. I'm glad you emphasized the "grow south" initiative, the importance of the 406 extension and the GTA corridor, the good old mid-peninsula corridor. You pointed out on section 6 quite well the question I asked of Mayor Gray just beforehand from Oshawa. Maybe you could stress that. What is your concern with duplication between a growth plan and the work the region already does? Is there an example you could give us of that?

**Mr. Corwin Cambray:** I think the example we could give relates to the urban area boundaries and identification. They have been through, and go through, quite a rigorous process now and end up with the OMB if there is an appeal. To add another layer into that seems unnecessary. The important point is that it's the implementation of the development within the urban areas that we need the assistance on, not the management of the boundary, which we have well in control.

**The Chair:** Thank you. Could you identify yourself for Hansard, please.

**Mr. Cambray:** Sorry, my name is Corwin Cambray. I'm the commissioner of planning and development for regional Niagara. I apologize.

**The Chair:** That's OK.

Ms. Churley, you have the next two minutes.

**Ms. Churley:** I'm going to give over my two minutes to Mr. Hudak, because that is the area he represents.

**Mr. Hudak:** God bless you. Thank you, to my colleague.

**Ms. Churley:** You owe me.

**Mr. Hudak:** I'll give that two minutes back to you, plus interest. Just name your group.

**The Chair:** Don't waste it.

**Mr. Hudak:** Has it started already?

**The Chair:** Yes.

**Mr. Hudak:** Second question: Have you had any conversations with the Ministry of Public Infrastructure Renewal, or your own opinion on—what is it called?—the gateway economic zone, which is a new category for Fort Erie and Niagara Falls?

**Mr. Partington:** I certainly haven't. It's something we need to do in the near future, but I haven't as of yet. We do have a member who is representing the region of Niagara on that gateway. Can you add to that, Corwin?

**Mr. Hudak:** What would you like it to mean, relative to the other growth centres, like St. Catharines, which has been chosen as a growth centre?

**Mr. Partington:** One of the things we're concerned about is that Welland—very historic Welland, a very large industrial area—Port Colborne and Thorold were even left out of the document. That's one of our major thrusts into the south part of the region of Niagara. We've had virtually no growth in Niagara over the years, and that's because we protected the tender fruit lands. The greenbelt legislation freezes four major communities in the north end but then doesn't allow us to move south. Where is the natural area to go? It's a very large area, very centrally located in Ontario, and it's something we need to move forward on. That's what we've been stressing to the government. That's basically how those two strategies fit.

**Mr. Smeaton:** But we are going to need some dollar bills to do that infrastructure work. That's not to say the return won't be great to the province, just as we've seen in other areas of growth—there are huge revenues coming into provincial coffers—but in order to open up the south, as Mr. Hudak certainly knows, we are going to need some help with the roads and with the infrastructure that goes along with them. The new border initiative is something that certainly goes beyond municipal or provincial boundaries. There's tremendous federal interest in that as well. It augurs well, I think, for the entire province.

I don't know that we can separate local economies from provincial economies any more. They are all tied in so integrally now. We hope that by opening that south, we'll have a brand new opportunity economically throughout Ontario.

**The Chair:** Mr. Rinaldi.

**Mr. Rinaldi:** It's great that you're here today. I was trying to think what kind of day it was today and whether I should give up my time as well. I'm really struggling with that, but I want my two minutes.

A couple of questions on where it seems to be a little bit contradictory: On page 5 of the presentation from the Chair, it says that we need to be more specific, yet later on in the presentation, both parties say that we're too restrictive. It's a bit confusing. On the one hand, you seem to be saying—can you just give us some sense of where you're coming from?

**Mr. Cambray:** The document, the act, is quite specific about what it's going to include in terms of the plans, but it's not specific on what the province is going to do, the specific actions to be taken by the province. It mentions specific actions to be taken by municipalities. What about specific actions to be taken by the province to help implement the growth plans?

**The Chair:** Thank you, gentlemen. We appreciate your being here today and making your impassioned speeches.



## PEMBINA INSTITUTE

**The Chair:** Our next delegation will be the Pembina Institute: Dr. Mark Winfield. Welcome, Dr. Winfield. We have your presentation. After you've identified yourself and the group that you speak for, you'll have 15 minutes.

**Dr. Mark Winfield:** My name is Mark Winfield, and I'm director of the environmental governance program of the Pembina Institute. The institute welcomes the opportunity to address the committee on Bill 136, the proposed Places to Grow Act.

The institute has followed the province's growth management planning initiatives closely over the past few years, beginning with the work of the previous government's Central Ontario Smart Growth Panel. The institute welcomes the introduction of the proposed Places to Grow Act and believes that the growth management planning initiative is an important component of the government's overall efforts to reform Ontario's land use and infrastructure planning system to promote more sustainable urban development patterns.

Our specific comments on the bill are as follows:

We've noted in the preamble and purposes section of the bill that the concept of growth occupies a very central role. Indeed, the bill seems to take the inevitability of growth and the need to manage it as givens, as opposed to employing a wider vision of community sustainability, well-being or quality of life as a starting point.

The focus on growth per se seems inconsistent with the direction of recent discussions regarding urban and community development in Canada. I point to the recent work of the National Round Table on Environment and the Economy, the Federation of Canadian Municipalities, Smart Growth British Columbia and others that have emphasized the need for a broader range of environmental, economic and social end points to guide community development.

I would suggest that the purposes section should focus on the promotion of economic prosperity, environmental sustainability and social well-being in community development, particularly with respect to land use and infrastructure, as opposed to simply growth and its management.

Section 6 of Bill 136 outlines the potential contents of growth plans. We note here, surprisingly, that there are no references to the protection of key natural heritage features or hydrological features, the maintenance of the ecological-hydrological functions of these features or the maintenance and improvement of connectivity among them. Therefore, we're recommending that the bill be amended to address these issues. Specifically, the policies, goals and criteria of the plans should include goals related to the protection of key natural heritage and hydrologic features, the maintenance of their functions and the maintenance and improvement of connectivity among them.

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We also note that section 6 of Bill 136 makes no references to policies, goals and criteria related to energy

conservation and renewable resources. This is despite the government's stated interest in the promotion of conservation and renewable energy sources. Therefore, we are recommending that section 6 also be amended to require that the plans include policies, goals and criteria related to energy conservation and the development of low-impact energy sources.

Section 14 deals with the effect of growth plans, and in particular would require that decisions by municipalities and provincial agencies under the Planning Act, the Ontario Planning and Development Act and the Condominium Act conform with the plans made under Bill 136, and that the provisions of the plans made under the act prevail in the event of a conflict with official plans, zoning bylaws or the provincial policy statement made under the Planning Act.

Surprisingly, however, given the emphasis of the entire growth management exercise on infrastructure planning, Bill 136 makes no provision requiring that municipal works, structural improvements and other undertakings conform with the plans made under the act. We note that the parallel legislation on the greenbelt, Bill 135, did include such a provision. We are recommending that a similar provision be incorporated into Bill 136.

Consistent with that theme, we also have noted—and I think the previous witnesses alluded to this—that provincially initiated or financed undertakings, as well as municipal projects, can have significant implications for future development patterns and the effectiveness of the plans that might be made under the act. One of our understandings of the primary purpose of the plans that are to be made under the act is to give direction to provincial infrastructure investments and ensure that they are consistent with the direction of the plan. Surprisingly, though, the bill doesn't contain a provision that requires that provincial investments actually follow the direction of the plan. Therefore, we are recommending that section 14 be amended to require that provincially initiated or funded undertakings—and we would recommend defining "undertakings" as per section 1 of the Environmental Assessment Act—conform with the plans made under the act.

Thank you very much for your attention. I'd welcome any questions.

**The Chair:** Thank you, Mr. Winfield. You have left about three and a half minutes for each party to ask you questions, beginning with Ms. Churley.

**Ms. Churley:** Thank you very much, Dr. Winfield. It's always a pleasure to hear your analysis of these bills. Your presentation, in many ways, is quite technical in nature. I'm just digesting it here. My overall question would be on your recommendations for certain amendments. If these amendments don't happen, what is your view of the effectiveness of the bill, if these things aren't done?

**Dr. Winfield:** I would point in particular to the last two recommendations regarding the conformity of infrastructure undertakings with the plan. As we've understood it, the intention of the entire exercise has been to



give direction to the province's infrastructure investments and to make sure that they are shaped by some sort of policy direction that is supportive of the directions that are laid out in the plan in terms of intensification, the role of transit for moving people and all those kinds of things. Our concern is that we're not certain that's what we are actually seeing yet. Indeed, that would seem to undermine a lot of the purpose of the plan.

On the planning side, it's relatively complete, but of course we've already got a lot in place now through the revised provincial policy statement. Since the plan is just fleshing some things out there, it's really on the infrastructure side where we're sort of left with a blank. There had been some questions raised about some of the infrastructure projects which are in the plan, particularly economic corridors and how well they fit, for example, with the overall directions of the plan and broader goals in terms of air quality, future development patterns and those kinds of things. So I think it's really quite crucial that these things be better integrated.

Indeed, we've noted in our comments on the plan itself that there seems to be a real problem in terms of the level of integration of the goods movements aspect of the plan with everything else. I think you need this kind of amendment to make sure that sort of coordination is covered off.

**Ms. Churley:** I agree with that. But would you not say, given that it seems to be the direction of the government to move forward with infrastructure, as with the highway proposals and the big pipe and other infrastructure within the greenbelt, that the contradiction is there but the likelihood of an amendment—I know you're proposing it. If that is the objective of the government, is there any other way around this?

**Dr. Winfield:** I don't think so. The whole intention of the exercise, as I understood it, has been to provide a stronger policy direction to the province's infrastructure investments. There was a concern under SuperBuild that there was not a lot of direction underlying it, certainly not consistent with principles of urban sustainability or smart growth or what have you. The previous government might have been moving in that direction but didn't get there.

Here I think it really becomes quite crucial, because one of the other factors which is at play clearly is that the province is going to be presented with requests from municipalities for quite significant infrastructure investments. I think we heard that from the previous witnesses. We know it's out there. Places like York region and Waterloo have large transit plans for which they are looking for provincial assistance. I think it becomes quite crucial that the province be making decisions about which of those requests it's going to respond to that are consistent with the directions it has tried to set through the plan. Having provisions in the legislation that say that's where these types of undertakings and these investments need to go would simply seem to complete the circle of what's being attempted here.

**The Chair:** Mr. Duguid.

**Mr. Duguid:** Mr. Winfield, thank you very much for coming here today. I believe you made submissions during the greenbelt as well, if I recall. I thank you for that, and I thank you for the support of the Pembina Institute in terms of the overall direction of the bill—it's important to hear that from you—and for your suggestions for improvement.

I have two specific questions. I'll ask the first, and we'll see if there is time for the second.

The first one relates to section 10, the amendments to growth plans. You're suggesting that the "notice and opportunities for written submissions provided to the public, affected municipalities, planning authorities and planning boards" is not sufficient, in your view, when making amendments to the growth plan. You're suggesting that not only public notice be given but that the public be invited to make submissions. I'm wondering what form you would foresee that in. Are you thinking it would have to go to a committee for even minor changes to the growth plan? How do you see that happening?

**Dr. Winfield:** I think our observation on the drafting of the bill was simply that there is this oddity that the bill doesn't actually require that members of the public be given notice or be invited to make submissions in relation to proposed amendments. We're simply saying—it may have been an oversight in drafting—to complete that off, to say that when amendments are being proposed, members of the public be clearly given notice. That could be in all kinds of different mechanisms. You could put something on the Environmental Bill of Rights registry, you could put notices in newspapers of general circulation in the area that would be affected—all the usual types of things. It's simply making sure that if there is an amendment in the process, the public gets included in the conversation as well as the affected municipalities.

**Mr. Duguid:** It was my understanding that there would be notice given, unless we're talking about a different part of the bill, and that there would be opportunities for the public to make written submissions.

**Dr. Winfield:** That's in relation to the actual development of the plans themselves. At least as we read the act, there seemed to be a gap in relation to proposed amendments. That's what we flagged in our submission.

**Mr. Duguid:** OK. That clarifies that. I appreciate that. Is there more time?

**The Chair:** One minute.

**Mr. Duguid:** Very quickly, and this is a quick one, you talk about conformity with provincial official plans within a two-year period. That might be a little onerous for municipalities, given the five-year cycle for reviewing their official plans. Do you not think that's a little ambitious?

**Dr. Winfield:** This is consistent with the position that we took on Bill 135, and it is also consistent with the approach the previous government took with respect to the Oak Ridges Moraine Conservation Act to require conformity relatively quickly.



We're conscious of the five-year cycle, but we're also conscious, on the other hand, that an awful lot can happen in five years in terms of planning decisions, infrastructure investments. I think our preference would be to send a firm signal to municipalities that this is the direction we're heading and that, going forward, we want to line up what's happening in a reasonably timely fashion.

**The Chair:** Mr. O'Toole.

**Mr. John O'Toole (Durham):** Thank you very much for your presentation. You do present often and diligently to these committees.

I just wanted to follow up with a couple of comments. I take it as a compliment that the Smart Growth work done by the previous government is finding itself in this framework which the ministry staff are diligently trying to carry forward, as you mentioned, in the cycle of things. What's missing here, clearly, is the money, whether it's SuperBuild or called some other name. I take those as compliments and encouragement for us to use the resources of Ontario wisely. What concerns me, again, is there is no money.

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I am more concerned about the lack of an appeal process. It's more of a centralization. We've argued with the "regard to" and "consistent with" policy directions. At the end of the day, there are ministerial interests in areas and there is no appeal mechanism. What's your response to that? Questions have been asked today about due process. Do you feel that's sort of centralizing the authority with some kind of oversight? Should everything look like Toronto?

**Dr. Winfield:** I think what's being proposed is somewhat more complex than that. On the appeal question, there are layers to it in the sense that there is a route of appeal, as I understand the way this would work, in terms of the specific interpretation and application of the requirements of the plan. If you don't agree with the way in which a municipal council has interpreted what the plan asks it to do, then you can go to the Ontario Municipal Board.

I think the question you're raising is more the plan itself and its contents. One would have to think, what would an appeal process look like at that level?

**Mr. O'Toole:** It could be a fundraiser, \$1,000-a-plate kind of thing.

**Dr. Winfield:** One would hope that's not—

**Mr. O'Toole:** That's—

**The Chair:** Can you just let the delegate answer?

**Mr. O'Toole:** I'm just trying to make sure—

**The Chair:** You have a minute and a half.

**Dr. Winfield:** I think that's clearly not the way one would want it to play out. There is a consultative process built into the bill, which includes opportunities for submissions and everything else, so there is a record of what goes into the process. The question becomes, what comes out at the back end and how do you line up with what they heard from what they—

**Mr. O'Toole:** I have one small question. I hate to interfere. Here's the key: In my area, which includes a great part of the Oak Ridges moraine, quite controversial in the greenbelt legislation are the natural heritage features. These are landmark kinds of formations, the Oak Ridges moraine being one. What about the end uses like you mentioned in section 6 of the bill, wanting to talk about low-impact renewable energy forms. I am the critic for that file. What about wind turbines on those highly sensitive natural heritage features?

**The Chair:** Mr. Winfield, you have 30 seconds to answer.

**Dr. Winfield:** We actually do have a position of record on that, which has been to say that low-impact renewables should be excluded from what are identified as key natural heritage features. That includes the protected areas in the Niagara Escarpment, the two highest levels of protection there, and the two highest levels of protection on the Oak Ridges moraine.

What we've seen is, you're getting very intense land use conflicts being generated from proposals for renewables in natural heritage areas of high significance. We said that the saw-off obviously is the high-end natural heritage features. We've worked with the wind industry quite a lot. We've said to them, "Don't go there. There are lots of other places"—

**Mr. O'Toole:** I heard a thing on CBC.

**The Chair:** That is the end of your time; it has expired. Thank you, Mr. Winfield. We appreciate your being here today.

## REGION OF WATERLOO

**The Chair:** Our next delegation is the region of Waterloo. Good afternoon and welcome. We have your packages. They've been distributed. When you're ready to begin, could you identify yourselves and the group you speak for for Hansard. When you begin, you'll have 15 minutes.

**Mr. Ken Seiling:** I'm Ken Seiling, regional chair from the region of Waterloo, and Larry Kotseff is the commissioner of planning, housing and community services for the region.

I'm going to speed through this fairly quickly. We've given you the material.

The region of Waterloo commends the province on the strategic and integrated approach—

**The Chair:** I'm sorry. Can I just ask you to stop for just a second. You went really fast through your introductions. So you're Ken Seiling?

**Mr. Seiling:** Ken Seiling, regional chair for the region of Waterloo.

**The Chair:** Thank you. I just want to make sure for Hansard.

**Mr. Seiling:** And Larry Kotseff is the commissioner of planning, housing and community services.

**The Chair:** Thank you very much.

**Mr. Seiling:** Does my time start now?



**The Chair:** Yes. I haven't started you yet. I'm not trying to shorten your time; I'm making sure we've got the right people on the schedule.

**Mr. Seiling:** The region of Waterloo commends the province on the strategic and integrated approach to planning that is being adopted in Bill 136—it's great to see the province back in the game again—in an effort to accommodate future population growth, support economic prosperity and achieve a high quality of life for all Ontarians.

Growth management planning has been a long-standing hallmark in the region of Waterloo. In 1976, the very first regional official policies plan in Ontario focused growth into specified urban and rural settlement areas, introduced the concept of environmentally sensitive policy areas and proposed a central transit corridor. It was the first plan in Ontario and has been successful in guiding growth and development in the region, and is a marker to show that good planning can succeed.

In 2001, regional council reaffirmed its commitment to defining new approaches to growth management by directing staff to prepare a comprehensive and integrated growth management strategy. I should tell you that it took two years to do it; somebody asked that question of the previous delegation. It was approved by council in 2003, and it is providing initiatives to manage the growth of a population of approximately 700,000 by the year 2030.

The region's ongoing commitment to innovative growth management planning is evident in more recent initiatives such as the introduction of hard-edged urban boundaries, sub-watershed planning and extensive groundwater protection policies.

The RGMS proposes to reshape the region's urban areas by curbing urban sprawl through the intensification of existing urban areas along the central transit corridor and directing future suburban growth to targeted green-field areas. This balanced approach to development emphasizes the opportunity to direct growth to existing urban areas and create high-quality, healthy urban environments that attract and retain an innovative and entrepreneurial workforce, and complements ongoing efforts to promote downtown revitalization, cultural heritage, brownfield redevelopment and environmental protection. In addition, by taking a more strategically focused approach to infrastructure planning and development, the regional growth management strategy also promotes the region's long-term financial sustainability and health initiatives.

The province's Strong Communities-based planning reform agenda and the proposed act clearly complement the strategic directions and initiatives contained in the regional plan and its growth management strategy. While the region of Waterloo suggests some refinements for consideration, the subsequent discussion clearly demonstrates that the region is very supportive of the proposed Places to Grow growth plan for the greater Golden Horseshoe.

On October 28, the province introduced Bill 136, which, if passed, would create the overall framework and

authority to establish growth plan areas and growth plans within the province. The region of Waterloo is very supportive of the draft, as it complements our recently adopted work and helps strengthen the province's role in urban and rural planning, something which the region and many other stakeholders have sought for some time. Many of the act's purposes, such as promoting a healthy environment and a culture of conservation, making efficient use of infrastructure, enabling planning across municipal and regional boundaries, and ensuring that decisions about growth are made in the context of long-term visions and goals, are fundamental components of our own growth strategy.

In an effort to further strengthen the proposed legislation, the region would appreciate the standing committee's consideration of five suggestions that we believe will help build momentum for the successful implementation of Bill 136 over the next several years. I recognize that these may not be specific items in the bill, but they are suggestions.

It's important that the proposed Places to Grow Act requires municipalities to develop plans jointly with their neighbouring municipalities for key initiatives of mutual interest and beyond political boundaries. We feel this can be achieved through the proposed legislation and the sub-area growth plans being proposed. The region supports the idea of using sub-area strategies as a means of overcoming challenges associated with developing and implementing provincial policies, strategies and programs for application over large, geographically diverse areas. We see considerable merit in using sub-area growth strategies as a means to address interregional planning issues and certain matters of provincial interest and jurisdiction. Examples of this would include intermunicipal transportation and transit, natural systems planning, the provision of affordable housing, large-scale utilities planning, large-scale infrastructure planning, health care facilities planning and some areas of agricultural planning.

So our recommendation would be: To further strengthen the proposed legislation, the region suggests that the draft Places to Grow Act be revised to state explicitly that growth plans required by the province address growth issues that lie beyond the boundaries of single-tier and upper-tier municipalities, and that could include county to region, or separated city to the county which surrounds it.

At present, the proposed Places to Grow Act could provide further emphasis regarding the importance of water conservation, air quality and energy conservation, cultural heritage or the provision of human services, including affordable housing, to support growth. These areas are fundamental elements of achieving a high quality of life in our communities and, in some cases, are of provincial interest.

Our recommendation is that the draft Places to Grow Act be revised to emphasize areas such as air quality, energy conservation, cultural heritage and the provision of human services as matters that may be addressed in the growth plan. In addition, the province needs to ensure



that municipalities are provided with the stable, long-term funding necessary to support the infrastructure and human services required to realize the goals of the growth plan.

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As noted in our previous submissions to the province, the region's ability to respond to the population and employment growth estimates provided in the draft Places to Grow growth plan for the greater Golden Horseshoe is dependent on a substantial financial commitment by the provincial government to provide the required physical and social infrastructure. This includes the development of a rapid transit system, facilities and technologies to implement long-term water strategies and waste water master plans, and new health facilities and services.

Our recommendation is that the province move quickly to prepare a funding strategy to support the implementation of both the provincial and regional growth management plans. We believe this can happen concurrently with the act, but not necessarily as part of the act.

We commend the government for engaging stakeholders through consultation in the preparation of the proposed legislation and encourage the government to continue with such a process. Although growth plans prepared under the authority of the act would be of interest to all municipalities, they are particularly significant to the large single-tier and upper-tier municipalities whose responsibilities typically include significant levels of delegated approval authority from the province. These include the provision of major, high-cost infrastructure and human services facilities, as well as services such as water, waste water, transit, housing, waste management, public health and social services. Municipalities need to be consulted extensively through the growth plan implementation process to help achieve effective and timely implementation of the plan.

Our recommendation is that municipal representation be included on any growth plan or sub-area strategy-related advisory committees that are created by the Minister of Public Infrastructure Renewal. That's really not technically part of the act, but it's a request that that process take place.

The region of Waterloo supports the proposed legislation and is confident that the strategic directions and initiatives contained in the act will have a positive impact on the communities in the greater Golden Horseshoe. It is critical that the province move forward with this important initiative expeditiously so that municipalities, in co-operation with the province, can accommodate future population growth, support economic prosperity and achieve a high quality of life for all its citizens.

Our recommendation is that the province proceed immediately with the current Places to Grow Act and that the legislation maintain a level of flexibility so that refinements, such as adding more requirements by way of regulation or ministerial direction, may be made in the future.

The region of Waterloo is eager and willing to move forward with the Places to Grow legislation. The recommendations contained in this submission are discussed in more detail in appendix B, our draft response, which is attached to the package we've given to you. I won't bother reading through all of them, but the points are there. At the same time, we understand that some of these suggestions will be addressed as the legislation moves ahead.

Finally, the region strongly supports the government of Ontario's efforts to build strong communities and manage growth in a rational and strategic manner. The province and the region will need to continue working together collaboratively with other stakeholders to develop, implement and finance an extensive range of policies, regulations, facilities and services to maintain a high quality of life for citizens of the region and of the province. The region remains eager and willing to work with provincial representatives to move forward with legislation that meets our common vision of accommodating future population growth while supporting economic prosperity and working to achieve a high quality of life. We must all work together to create a sustainable legacy for future generations, and Ontarians deserve nothing less.

**The Chair:** You've left two minutes for each party, beginning with Mr. Rinaldi.

**Mr. Rinaldi:** It's good to have you here, always in a positive mode. First of all, let me congratulate you and your municipalities for being leaders in planning for future growth and doing all the right things.

Just a quick comment, if I may—and you may want to expand on it. You want to see somewhere along the way more consultation and input from municipal stakeholders. We've had that through the greater Golden Horseshoe and, together with this particular piece of legislation, over 1,600 participants plus 500 submissions. I would say that's unprecedented from past governments, consultations. How can we expand that to make it even better?

**Mr. Seiling:** I think you're misinterpreting the comment. The comment was that we believe, actually, in a short period of time this government has done an awful lot of consultation, and we congratulate you on that. We think it's been very well done. The comment, I think, was in relation to the fact that once the plans start to be developed, particularly the sub-area plans, there need to be consultation mechanisms so that we can work with the government and deal with them.

Let me give you an example: Water supply becomes an issue for our sub-area. In other words, we expect the province to step in and participate, along with us, Guelph, Brantford, Brant, the municipalities along the way, and there would be a consultative process through there. That's what I was referring to.

**Mr. Rinaldi:** Very good. Thank you very much.

**The Chair:** Mr. Hudak.

**Mr. Hudak:** Thank you for the presentation. Three municipalities in your region have been designated as



urban growth centres. At the launch, the ministry characterized this as sort of taking Yonge and Eglinton from downtown Toronto and transposing it on to the growth centres. Do you think the people of Waterloo are going to like that?

**Mr. Seiling:** I think the people of Waterloo have accepted the fact that they're in a growth area. Their concern is for quality of life and how they can best maintain that. Probably our region has had some of the strongest land use planning policies in the province of Ontario over the years, and people have grown accustomed to that. There's an expectation that we will take and shape—people in our area don't believe you can close the doors. This growth is going to come, so the question is, how do you best shape it? We believe that the plan that we put in place—with our own growth management strategy plan, we took those numbers to the public two or three years ago and worked with them, and the public is saying, "We like this vision of what's happening, we accept that it's going to happen and this is the kind of shape we want to have with it." So I don't believe there's an expectation that we can stop the growth from taking place. The expectation is that we manage it and do it properly.

**Mr. Hudak:** Have you had any cases in the region, to your awareness, that have been sent to the OMB: intensification projects that the local municipalities of the region rejected?

**Mr. Seiling:** There have been some—there's one high-rise project in the city of Kitchener that I can recall, but that was in a heritage district, so I don't know whether that's an intensification issue or whether it's a heritage district issue.

**Mr. Hudak:** Should that remain the local council's decision, or should the province play some role in terms of imposing these types of intensification?

**Mr. Seiling:** I'm very supportive of the province putting targets in place for us to meet, because quite often when you've got to shift people's attitudes, it's always good to have a bit of background or backup for it. I remember during the late 1970s, when the original regional plan was being developed; at that time the government was still in the game of supporting planning principles before they sort of backed away from it. The development of our regional plan really relied many times on our ability to go back and say, "This is where the province is going with it and let's work with it." So we found it quite helpful to have provincial support in those areas.

**The Chair:** Ms. Churley.

**Ms. Churley:** It's always a pleasure to hear from you and to look at the outstanding work you have done in your region in managing growth. You really are a leader in that area, and I think it behooves us all to take a good, hard look at the presentation before us today.

My question for you is perhaps a little too political, but I think it's an important question, and that is around how everything is to be funded. I agree with you when you bring up air quality, energy conservation, affordable

housing, human services—all those things. We just had the alternative budget group come out, and the Toronto Star wrote an editorial about it today, saying that with the tax cuts under the previous government—and basically they're being more or less maintained—the reality is, given the fiscal constraints because of that, it's unlikely, as much as we press, that this money is going to come forward. I guess my feeling is—and we're hearing it from some others as well—that without the influx of the resources, none of this can really happen in the way that the government wants it to. Do you have any comment on how we're going to deal with this dilemma?

**Mr. Seiling:** I think that the previous government and this government have both recognized—even in the latter days of SuperBuild, there was a recognition that money had to be spent strategically, that we couldn't continue to spread the money all over, because there just wasn't enough to go around. That started two or three years ago, and this government has carried on with that approach. I think that the whole thrust of this is to do strategic spending of money. Governments aren't going to stop spending money. We've got to build infrastructure. So the question is, where do you place it best in order to get the best bang for the buck? I think the federal government—how long it's going to be there, I don't know—has come to the conclusion that they need to fund infrastructure to achieve their objectives too. I think there's a willingness on their part to look at these one-third, one-third, one-third formulas for doing these kinds of things.

Our experience in taking a look at Portland, which has been our model for a light rail transit system development, has seen that good investments in infrastructure will bring in private sector investment as well, in some cases. So we think that the mix of them together will work very well. I think those communities that are able to plan well, to draw on the various facets, will attract all the sectors to participate. I think that's a good step ahead.

**Ms. Churley:** That was a good political answer. Very good, very experienced. Thank you very much.

**The Chair:** A nice way to end. Thank you very much for your thoughtful presentation.

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## NIAGARA ECONOMIC AND TOURISM CORP.

**The Chair:** Our last presentation today is from the Niagara Economic and Tourism Corp.

**Mr. Patrick Gedge:** Good afternoon. Patrick Gedge, chief executive officer, Niagara Economic and Tourism Corp.

First of all, let me thank the committee for this opportunity to speak today. It is an area that is of extreme concern to us. Frankly, we think Places to Grow is a fantastic opportunity for Ontario, as well as the Niagara region.

Usually an economic development agency talks about all the good things that are happening within their particular area and all the assets they have to leverage. I'm not going to do that. Frankly, I'd like to actually get at some of the economic reality of Niagara—because it



does directly relate to what the provincial strategy is for the greater Golden Horseshoe—and how we can best work together in order to leverage a much-improved economy over the next number of years.

The current economy within Niagara is evidenced by very slow gross domestic product growth, employment growth and population growth. Contrary to many of the impressions that folks have, manufacturing jobs are the most important sector within Niagara and have been historically for over 100 years, and we've been losing manufacturing jobs over the last decade. That's nothing unique to Niagara in the sense that it's also happening within Canada and North America, but when it is your leading economic sector, that is very significant in terms of the wealth and prosperity of the area. Also within Niagara is the lowest average income of any CMA in Ontario. Finally, the real issue for Niagara is not urban sprawl and how to control massive growth, as it is within so much of the rest of the GTA; it's really an issue of how, together, we are going to stimulate additional economic growth and how we can do it proactively between the Places to Grow legislation and ultimately its implementation that will positively affect Ontario, as well as Niagara.

Some of the issues we have when we go through Places to Grow—and some of those may be that we just simply don't understand them or that there's some additional work that has to take place—are that so much of the draft seems highly focused on the massive growth that's going to develop along the GTA and the 401 corridor. Frankly, that makes a lot of sense. If you follow the 80-20 rule, in this case the 95-5 rule, that is where you're going to focus much of your attention and much of the policies and programs that you're going to look at developing.

Having said that, the region of Niagara is an integral part of the future growth of the greater Golden Horseshoe. Quite frankly, from a strategic and binational standpoint, Niagara is critical to the successful growth of the GTA and the 401 corridor. We can't find within it plans that will really be adaptable to help us take advantage of growing our particular area of the province. In fact, within the document you will see there's a projection that there's going to be growth within Niagara of less than 1% per annum over the next 30 years. By declaring that and almost endorsing that as acceptable within the document, it really becomes self-fulfilling that the economy will not prosper in Niagara the way it should in comparison with the rest of the Golden Horseshoe.

As was mentioned earlier by the regional chair and his colleagues, the overall strategy that Niagara has developed over the past decades and years of opening up the central and southern tier of Niagara for business is the absolute, single key to the economic development and prosperity of Niagara. The northern tier is fundamentally frozen by the greenbelt on one side and Lake Ontario on the other side. As a region, the southern tier is the only area that can significantly develop and, as a whole, add economic impetus for the region.

As has been mentioned many times during many presentations that all of you have so gracefully gone through, specific tools and the financial investments that go with those tools need to be identified for those towns and cities, for them to grow within their boundaries, and those are not clear within the documentation. This is particularly relevant to areas like St. Catharines, which again will be totally encircled by the greenbelt and Lake Ontario. They need assistance in order to stimulate growth in the future within their own particular boundaries, which will not change.

I'd also mention that the idea of sub-area growth strategies is not something we understand. Niagara is split up by sub-areas according to the document. Quite frankly, we would have thought that in order to move as quickly as possible to successfully implement the Places to Grow strategy, you would want to keep the boundaries that exist today and, in the case of Niagara, to the extent that over the years Niagara region has been able to pull together all of the 12 municipalities into a common approach and strategy for the future, that you would want to leverage all that work and be able to help Niagara advance as a whole without having to split it up into sub-areas.

What are the specifics in terms of where we think there would be real, significant help? Number one is immediately extending Highway 406 to Welland and ultimately to Port Colborne. This opens up the central and southern tier of Niagara for business. As I said, the northern tier has all the limitations that have been placed on it, many for very good reasons, but from a strategic standpoint, we have to open up the southern tier, and build that infrastructure, which the region or the municipalities together cannot afford to do. They really need to have it as part of a provincial strategy to complement the Niagara economic strategy.

As you've heard many other times as well, in terms of the longer term, how can we best accelerate the GTA-Niagara corridor, not just for the benefit of Niagara as a multimodal transportation corridor through the southern tier, but because of the need of the GTA and the 401 corridor to have that opened up as quickly as possible, so that growth takes place along the 401 in a very successful and easy fashion?

The tools and related financial investment in cities and towns is absolutely key, and certainly places like St. Catharines would be in the forefront of wanting to revitalize their urban areas, take true advantage of brown-field development and successfully grow within the boundaries they have today.

Finally, and not least of all, we've made these comments with respect to the greenbelt. Let's take advantage of the greenbelt. Let's not just talk about the constraints that are there; let's start to think about innovative ways that we can develop new agribusinesses and new agritourism. That will help the agricultural industry and the communities that are surrounded by it to take advantage of the greenbelt and the benefits that the province sees for it over the next century.



Thank you very much. I'm glad to respond to any questions or comments.

**The Chair:** You've left about two and a half minutes for each party, beginning with the official opposition.

**Mr. Hudak:** Mr. Gedge, thank you very much for being here. I think the members know that Mr. Gedge, the chair and others from Niagara will be hosting a special session next week, meeting with the three caucuses, which will be excellent to drive home these points.

You made it very clear—a number of the members were also on the greenbelt committee, so they're very well aware of your arguments—and hopefully it will hit home that the northern part of Niagara is effectively frozen under Bill 135. That's why it's important to encourage growth, as you said, through the 406 and the GTA-Niagara corridor into southern and western Niagara.

The gateway economic zone also includes Fort Erie and Niagara Falls. In the original draft plan, they were cited as urban growth centres. Now they're in a different category called a gateway economic zone. Do you have any thoughts, on behalf of NETC, on what those should involve?

**Mr. Gedge:** It was interesting to see that. I must say that the document, by referring to it, at least acknowledges that there may be some unique opportunities in Niagara because of its binational character and where we are. Personally, I believe that we collectively have not taken advantage of the strategic location of Niagara and the fact that it is extremely important that we have efficient and easy access across the border that connects the economic engine of Ontario and Canada with the economic engine of the US. What I'm hoping for, as we get into more detail in the future of this zone that has been identified as a potential area, is that we start to think innovatively about how we can take advantage of that binational character. We're certainly open to work with whatever officials to try to identify opportunities for that.

**Mr. Hudak:** Could you just reiterate for the committee the importance of the 406 extension south into Welland and Port Colborne and how that fits in with the government's goal of utilizing existing urban centres?

**Mr. Gedge:** It's a couple of things. First of all, if you're going to attract new investment in Niagara, then you want that investment in the southern tier, around the extended 406. You don't want it in the tender fruit land. That's consistent with what all of us want.

Having said that, you need to have the transportation and infrastructure in place in order to attract businesses and get current businesses to expand within Niagara. One of the biggest features that businesses look for is their ability to very quickly move across the border, up to the GTA. Time is money. Not having transportation infrastructure that is adequate for those types of businesses will totally hinder us in being able to attract that business to the area.

1800

**The Chair:** Ms. Churley.

**Ms. Churley:** Thank you, once again, for your presentation. There are a lot of questions, but I want to focus

on 3.3, under Solutions. I'd like you to expand briefly on the tools and related financial investments for revitalization and brownfield development. Can you give us some specific examples of things you need to see in place for this to work?

**Mr. Gedge:** I think, first of all, it's just recognizing that if a community can't, or you don't want it to, expand outwards, you then want it to expand inwards very successfully. The opportunities are there in terms of identifying what tools will allow a community to creatively expand inside, while still keeping the quality of life.

I don't think we really understand exactly what that suite of tools is, what that tool kit is. Even if that tool kit is specifically identified in the future, unless there are resources allocated to it, it's rather a meaningless exercise to go through. So I think one of the outgrowths that we want to see from the Places to Grow, whether it's within it or a companion document, is an identification of what that tool kit would be and what type of resources or combination of resources between governments and the private sector would be incentivized in order to actually stimulate additional growth where otherwise growth would not take place.

**The Chair:** You have 30 seconds.

**Ms. Churley:** Specifically around the brownfields, for instance, you need to see, I presume from what you're saying, a partnership with government in terms of funding for the cleanup and redevelopment of brownfields.

**Mr. Gedge:** Absolutely, and I believe that the provincial, regional and municipal governments can all participate together in that. Otherwise, the private sector will not be able to overcome the initial costs of setting up business if they go into the brownfield business. When you particularly take older manufacturing cities that have a lot of brownfields, then you've got to ask yourself, do we simply let them rest because it doesn't make sense to the private sector, or do we try to have a level playing field so that the private sector will be interested in those grounds as well and ultimately start to generate new wealth out of the brownfield areas?

**The Chair:** Mr. Rinaldi.

**Mr. Rinaldi:** Thank you, Mr. Gedge, for your presentation. A comment on your first section, the state of your area: I just want to make a point that that's a reflection of not taking any action, from the past, as far as overall planning. We're doing things hodgepodge—you correct something, and it becomes that fragmented situation that you're now faced with—and we recognize that.

I know we've been mixing on the presentations. I know it's pretty hard to distinguish between Places to Grow, the act, and the greater Golden Horseshoe plan that's before everybody. But I also think it's good, because one can refer to something that's working its way up the ladder. Going back to the legislation, Bill 136, do you feel that that's a tool for regions like your area to work through the process to be in a better position down the road?



**Mr. Gedge:** Absolutely. Unless you have a long-term strategy—whether it's at a provincial level, a Golden Horseshoe level, a regional level or a municipal level—I don't know how you make resource decisions in terms of what you're going to focus on and where you're going to put your time and dollars. To the extent that this leads to an overall strategy that has good consensus around it, that is very positive.

One of the challenges, and I think big opportunities, is that the faster you can integrate a provincial or a greater Golden Horseshoe strategy with, say, in this case, a region of Niagara strategy—the faster those are inte-

grated and identified in a complementary way, the faster the actual implementation will take place, which I think is to the benefit of all of us.

**The Chair:** Thank you, Mr. Gedge, for your delegation. We appreciate your being here today.

**Mr. Gedge:** It was a real pleasure. Thank you.

**The Chair:** This brings to a close our hearings for the day. I'd like to thank all our witnesses, MPPs and ministry staff for their participation in the hearings.

This committee stands adjourned until 3:30 p.m. on Wednesday, April 20, 2005, in committee room 151.

*The committee adjourned at 1805.*



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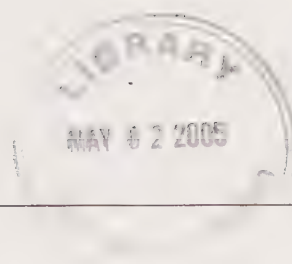
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## Assemblée législative de l'Ontario

Première session, 38<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 20 April 2005

# Journal des débats (Hansard)

Mercredi 20 avril 2005

**Standing committee on  
general government**

Places to Grow Act, 2005

**Comité permanent des  
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Loi de 2005 sur  
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## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GENERAL GOVERNMENTCOMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES

Wednesday 20 April 2005

Mercredi 20 avril 2005

*The committee met at 1530 in room 151.*

## PLACES TO GROW ACT, 2005

LOI DE 2005 SUR  
LES ZONES DE CROISSANCE

Consideration of Bill 136, An Act respecting the establishment of growth plan areas and growth plans /  
Projet de loi 136, Loi sur l'établissement de zones de croissance planifiée et de plans de croissance.

**The Chair (Mrs. Linda Jeffrey):** Good afternoon. The standing committee on general government is called to order. We're here today to resume public hearings on Bill 136, An Act respecting the establishment of growth plan areas and growth plans.

I'd like to extend a welcome to the witnesses and individuals who are here today. For individuals, you have 10 minutes, and if you're a group, you have 15 minutes to speak. When you come to the podium, if you could identify yourself for Hansard, and when you begin to speak, I will start the timer. Should you leave any time at the end of your allotted 10 or 15 minutes, there will be an opportunity for the opposition and the government to ask questions.

## ONTARIO NATURE

**The Chair:** If I could ask for the initial group to come forward: Ontario Nature. Linda Pim is our first delegation. Welcome.

**Ms. Linda Pim:** Thank you, Madam Chair and members of the committee, for the opportunity to appear before you today. My name is Linda Pim and I'm acting director of conservation and science at Ontario Nature.

Ontario Nature was founded in 1931. We currently have over 25,000 members and 140 member organizations. We welcome the introduction of this legislation and support its overall thrust.

The bill engages the province in land use planning for broad geographic regions, transcending municipal boundaries, an approach that is essential for the protection of large natural features and the connectivity of natural features as well as for the protection of our irreplaceable agricultural lands. The bill intends to support a "culture of conservation," as noted in subsection 1(a). It intends to plan for growth "across natural and municipal boundaries," as in subsection 1(c).

I'll focus here on some of our concerns about the bill in order to give this committee input on how the bill could and should, in our view, be amended. I would also like to add that we made a very detailed written submission last week to the Ministry of Public Infrastructure Renewal's Ontario Growth Secretariat about its draft growth plan for the greater Golden Horseshoe, a plan which we believe presents many problems and which we hope will be improved as per our recommendations in that submission before the growth plan is approved under the Places to Grow Act.

Back to the bill. First, there is a focus on growth, with insufficient attention paid to environmental sustainability and the protection of natural features. The preamble, the purposes of the act in section 1 and the contents of a growth plan in section 6 accord insufficient attention to the "culture of conservation" suggested in subsection 1(a). An inordinate degree of attention is paid to growth for its own sake, its inevitability and the need to manage it, without looking to a wider vision for environmental and community sustainability and human quality of life. For example, in section 6, a growth plan may have policies relating to a number of parameters, but none explicitly refers to the protection of natural heritage features. Therefore, clause 6(d)(v) should be amended to reference specifically what are called key natural heritage features, as defined in the greenbelt plan passed pursuant to the Greenbelt Act.

Our second point relates to areas to be covered by growth plans. Section 3 of the bill is silent on the geographic delineation of growth plans and on the extent to which growth plans, say, across southern Ontario, will be contiguous with each other. Ontario Nature takes the position that environment-first and farmland-first growth plans must be prepared for all of southern Ontario. The boundaries of the growth plan areas should follow ecological units, such as watersheds, as much as possible, with a default to municipal boundaries if necessary in some instances.

Understandably, the government's initial focus has been on the greater Golden Horseshoe, where growth pressures are the most intense. We look forward, after Bill 136 receives royal assent, to hearing about the province's intentions for growth plans, preferably for all of Ontario but at least for all of southern Ontario to start.

Our third point pertains to the time period for municipal official plans to be brought into conformity with



growth plans. Section 12 of the bill provides for the conformity exercise of bringing municipal OPs in line with the growth plan to take place at the time of the five-year review of the OP under the Planning Act. This means that it may be well over five years from the time of approval of a growth plan under the Places to Grow Act until the municipal OPs in the area covered by the growth plan conform with that growth plan. This is an unacceptably long conformity period. It should be shortened to two years, which is actually more generous a conformity period than is provided for in the Oak Ridges Moraine Conservation Act.

Our fourth point is regarding the prevalence of growth plans over other provincial plans and policies. Section 14 of the bill is among its more problematic sections. Clause 14(2)(c) calls for a growth plan to prevail over the policies in the provincial policy statement under the Planning Act. Subsection 14(4) varies that provision by indicating that whichever provincial plan or policy is more protective of the natural environment or human health shall prevail in the case of conflict between a growth plan and other provincial plans or policies.

However, Ontario Nature has found at least one significant instance in which the draft growth plan for the greater Golden Horseshoe is less stringent than the policies of the provincial policy statement. Because the case does not relate directly to the protection of the natural environment or human health, the weaker policies of the draft growth plan would prevail. The instance at issue is the critically important matter of the expansion of settlement area boundaries where the tests under the PPS are considerably stronger than those in the draft greater Golden Horseshoe growth plan.

The purpose of the policies in both documents is to curb urban sprawl into the countryside, and it is essential that the more stringent policies of the PPS prevail. Ontario Nature therefore takes the position that the minimum standard to be applied in all instances must be the policies of the PPS. Ontario Nature also takes the position that section 14 should specifically reference the greenbelt plan by adding a clause (e) to subsection 14(5). The purpose here is to ensure that the generally more environmentally protective policies of the greenbelt plan shall prevail in cases of conflict between a growth plan and the greenbelt plan relating to the natural environment or human health.

In practice, while Ontario Nature supports what we call the "natural environment or human health override" in subsection 14(4), it may be that there will actually be few or no real conflicts between a growth plan and other provincial plans or policies, in the sense that being in conflict with one plan clearly means being in conformity with another. We have yet to come across a case where this natural environment or human health override would actually play out on the ground.

Our final point is that the bill does not require that provincial and municipal infrastructure works conform with growth plans. Section 7 of the Greenbelt Act provides that no municipality within the greenbelt plan area

shall "undertake any public work, improvement of a structural nature or other undertaking that conflicts with the greenbelt plan." No similar provision is contained in Bill 136. Ontario Nature takes the position that such a provision is necessary given that Bill 136 has a strong focus on infrastructure planning for hard services, such as roads, sewers and waterlines.

Similarly, and just as critically important, in Bill 136 there is no requirement that the province's own public works and structural improvements, such as provincial highways, not conflict with a growth plan. This latter amendment is important since one of the primary purposes of plans approved under Bill 136 would be to give direction to provincial infrastructure investments.

**1540**

Section 14 should be amended to require that provincially initiated or financed undertakings, as defined by the Environmental Assessment Act, shall conform with plans made under Bill 136.

In conclusion then, Ontario Nature supports the general thrust of Bill 136 and hopes that it will be passed promptly so that the process of public consultation on growth plans can continue in the case of the greater Golden Horseshoe and begin in the case of growth plans for other parts of the province.

It is our position that several amendments are necessary to improve the bill in terms of environmental protection as we have outlined above. Thank you very much.

**The Chair:** Thank you. You've left about one and a half minutes for each group. Mr. Hudak, do you want to begin?

**Mr. Tim Hudak (Erie-Lincoln):** Ms. Pim, thank you very much for the presentation. You make a good point particularly in section D. Interestingly, the province exempts itself from the provisions of Bill 136. It exempts itself from any conflict provisions for its own provincial infrastructure, which is similar, if I recall, to the greenbelt legislation, Bill 135, where similarly the province exempted itself from its own legislation.

I'll just give my questions quickly. How would you remedy that? Secondly, your earlier point, ensuring that the OP reviews took place in a more prompt manner and simultaneously, because greenbelt will ask for an OP review: This does, as well as the provincial planning statement. So what's your best advice? If they say it's not a two-year plan, what's your next best advice on OP reviews and coming into concert?

**Ms. Pim:** I'll start with your first question. You're correct, and as I try to indicate in our section E, the Greenbelt Act does have a provision relating to municipal infrastructure. It does not have a provision relating to provincial infrastructure being in conformity with the greenbelt plan. We would like to see all growth plans under this Bill 136. Both municipal and provincial infrastructures should conform with the growth plan.

As far as bringing plans into conformity, given that the Oak Ridges process allowed only 12 months in the greater Toronto area and 18 months outside the GTA, we felt that a two-year time frame—when you think that an



official plan process is supposed to happen every five years, but then if the new OP is appealed to the OMB, you've got quite a long process. So we would stick with the concept of all municipalities being required to initiate an official plan amendment within two years, and frankly, we think that is the outside. If it's not done as part of the OP review because the timing is too far away, then as was done in the Oak Ridges Moraine Conservation Act, it should also be done in the same way, that starting with royal assent you've got X years, two years, to bring your plan—mind you, you'd have to have the sub-area growth strategies, in the case of the greater Golden Horseshoe growth plan, approved, but once they're approved, OK, that's when the clock should start running: two years to bring your OP into conformity with that sub-area growth strategy.

**Ms. Marilyn Churley (Toronto–Danforth):** Thank you very much for your presentation. I have such a short time. I agree with your suggestions for amendments, but I wanted to ask you this big question in the short time.

The greenbelt, although it's good that it's saving and preserving some of our environmentally sensitive land and farmland, in fact is going to allow highways and aggregate extraction infrastructure through it, which is something the government's aware is a concern of mine. It's not going to stop urban sprawl and all of that. Then we have this bill before us which essentially has the same problem, in my view, because we have highways and infrastructure. You allude to some of that.

My question would be, given that this activity is going on through the greenbelt and if this is not amended to deal with some of those issues, I'm wondering, when you say this needs to be passed quickly so that the public consultations can go on, without those amendments, what do you think are the benefits of the public consultations, and what will this, coupled with that activity being allowed, mean?

**Ms. Pim:** What I'm saying is that we would want the consultations on an amended bill.

**Ms. Churley:** Right.

**Ms. Pim:** I hear your concern about infrastructure in both the greenbelt and the growth plan area. One of the concerns we have—and this relates perhaps less to the bill than to the greater Golden Horseshoe draft growth plan—is that we understand that the Ministry of Transportation is independently working on a transportation strategy for the greater Golden Horseshoe, seemingly in isolation from the work of the Ministry of Public Infrastructure Renewal.

Our concern is that we would really prefer to have all government ministries work together in developing their plans so that we don't have MTO off, frankly, in its silo working on highways when we're trying to see a transit-first master transportation plan that avoids natural areas as much as possible and moves goods and people efficiently but that's planned in a comprehensive way. So far, we don't see that happening. But that's the kind of amendment we'd want to see.

**Mr. Lou Rinaldi (Northumberland):** Thanks, Ms. Pim, for your great presentation and your interest in Bill

136. Just to follow up on Ms. Churley's comments, we heard this on the greenbelt as well, but I just want to have your input into how government can achieve these things. It's the chicken-and-egg situation.

I think one situation we're in right now, especially in the greater Golden Horseshoe, is that this should have been done 50 years ago. That's what we've been hearing all along; the same with the greenbelt. It hasn't happened. We know that there's a transportation strategy coming out soon. We just dealt with the greenbelt. I guess my concern is, how do we deal with all these things at once? In all fairness, we are taking a rational approach. Certain things will have to conform, and we're indicating that. Can you maybe tell us how we get away from the chicken-and-egg situation?

**Ms. Pim:** All I can say is, I wish you well, because I know that the government is undertaking so many initiatives simultaneously in trying to do a good job for the environment. In some respects, we think it could be doing a better job.

I should point out that when the discussion paper came out last summer on the greater Golden Horseshoe, it was indicated at the beginning of that discussion paper that a final growth plan would be approved by the end of 2004. I understand how things can get a little bit off the rails in timing. The original intent, as I think you may agree, was that the greenbelt plan and the greater Golden Horseshoe growth plan would actually be totally in sync. Because the greenbelt plan had very distinct timelines because of the Greenbelt Protection Act and the Greenbelt Act attached to it, it had to move very promptly and under a schedule. The growth plans under Bill 136 don't have timelines attached to them, and maybe that's where some of the problem is.

We would simply encourage the government, as soon as the bill receives royal assent, to publish the schedule and work with stakeholders to try to meet that schedule, assuming that the bill is, as I suggested with Ms. Churley, amended in a way that makes more comprehensive and more integrated the planning for things such as highways, which at this point, in our opinion, is being planned in isolation over at the Ministry of Transportation.

**The Chair:** Thank you for your delegation. We appreciate your being here today.

## ENVIRONMENTAL DEFENCE

**The Chair:** Committee, our next delegation isn't completely here, so we're going to move to our 4:15 delegation, Environmental Defence, Mr. Rick Smith. We'll come back to our other delegations when all of the group is here.

Thank you, Mr. Smith, for coming a little bit earlier and stepping forward. We appreciate your being here. If you could identify yourself and the group you speak for—

**Mr. Brad Duguid (Scarborough Centre):** Do you have an office here?

**The Chair:** No heckling the delegation.

**Dr. Rick Smith:** Alas, no.



**The Chair:** If you could identify yourself for Hansard before you begin, and then you'll have 15 minutes.

1550

**Dr. Smith:** My name is Rick Smith. I'm the executive director of Environmental Defence. Thank you for the opportunity to speak with you on this issue that is of such critical importance to Ontario communities, to our environment and to the health of our citizens.

The last time I spoke to your committee on a somewhat more acrimonious bill, I think, I began my presentation with a quote from one of Ontario's better-known advocates for growth management. It worked so well the first time that I thought I'd do it again—a different quote this time.

"We are now faced with the threat of urban sprawl. If we are to halt its advance and to control it, all of us, with the co-operation of the private sector, must agree upon some basic principles governing future use of our land." This isn't Dalton McGuinty; it's not Mike Harris; it's not Tim Hudak. This is from the June 5, 1973, *Globe and Mail*, and the speaker, again, is Bill Davis. Mr. Davis's goal is more relevant today than ever.

I want to start today by saying that Environmental Defence strongly supports the reassertion of provincial government leadership in the areas of growth management and land use planning. The only problem is that the Places to Grow Act and plan, as they are currently written, require major improvements if they're going to provide the coherent direction that our province so desperately needs.

The irony of the situation we're in, dealing with such a problem with urban sprawl, is that the toll that ill-planned urban development is taking on our environment and health has never been better quantified. The Heart and Stroke Foundation and the Ontario College of Family Physicians have both recently concluded that urban sprawl has incredibly negative consequences for human health. The Ontario Medical Association calculates that 1,900 premature deaths a year can be attributed to air pollution, and of course urban sprawl is a major contributor to air pollution because it perpetuates the dominance of cars and of gridlock on our roads and highways. According to the Neptis Foundation, at the current rate, an area roughly double the size of the city of Toronto will be urbanized by 2031. I think the minister spoke of this the other day. About 92% of this area is classified as prime agricultural land.

Despite these alarming conclusions, despite new policy initiatives like this one being debated at Queen's Park, very little is changing on the ground. The threats to communities and the environment from huge, ill-planned developments are intensifying right across the Golden Horseshoe.

I've brought two examples—I think they've been circulated to you this afternoon—of these sorts of developments for your consideration today. The first example is a newspaper article from the Bradford West Gwillimbury Times of April 9. The second example is a press release from the city of Pickering from March 2. I won't

belabour the details; I'll leave those with you. In both of these cases, extremely aggressive developers and land speculators are working right now, today, to convince local councils to approve developments that would seem to be completely contrary to the kind of smart growth that the province says it wants to encourage.

The Places to Grow Act and plan are not going to arrest these destructive trends unless they are substantially improved. So the brief in front of you contains a number of specific suggestions for amendments to Bill 136. I'm not going to go through all of them, but I do want to take a few minutes to outline four of what we consider to be absolutely critical amendments that must be made to this act and plan if they are to accomplish their stated purpose.

First, the act needs to be amended to explicitly link future provincial infrastructure spending and Places to Grow planning. This would seem to be an obvious point, but it is missing from the act currently. Provincially initiated or financed undertakings as well as municipal projects will obviously have significant implications for the effectiveness of Bill 136 plans. If, as the government claims, one of the primary purposes of the plans made under Bill 136 will be to provide direction to provincial infrastructure investments, the bill needs to be clarified to state this goal. Quite simply, if this act is supposed to be the framework for future provincial spending, surely that should be spelled out in the act.

As has been mentioned by some previous presenters—I think you'll hear about it more today—there is a disturbing lack of consistency with respect to the stated purpose of Places to Grow and the massive new infrastructure projects included in the plan. The various highway extensions are one example; the plan's complete silence on major new water and sewage infrastructure is another. Where is the appendix to the plan that gives us the diagram of the big pipe? What's built? What's proposed to be built? This is a project of the same scale and with potentially more devastating ecological consequences than any highway extension.

The second point I wanted to highlight is that large-scale municipal undertakings would not be subject to Places to Grow as the act is currently written. So it's critical that the bill be amended to require that municipal works, structural improvements and other undertakings conform with Places to Grow plans. The Greenbelt Act actually already includes such a provision. How many pipes, big or otherwise, are going to slip through the cracks unless the act is amended to cover municipal undertakings?

Third, the time frames stipulated in the Places to Grow Act and plan for municipalities to bring their official plans into conformity are much, much too long. Again, we're going to see virtually an entire generation of schoolchildren grow up unless this plan is amended to speed up the process. The act's current suggestion of giving municipalities up to five years to conform with Places to Grow is excessive and unnecessary. A five-year time frame, as was mentioned by the previous speaker, is



also inconsistent with the approach taken in other recent provincial planning legislation, including the Oak Ridges Moraine Conservation Act. The plan's suggestion of giving municipalities 10 years to achieve the important intensification target will ensure that we won't see any change to the destructive business-as-usual scenario for the foreseeable future. The solution is for the act to be changed to require municipalities to bring their official plans into conformity within two years of the approval of the relevant provincial plan and to hit the intensification target within five years. There's no reason why that can't be done. The coming into force of the Places to Grow Act itself should be made retroactive to the second reading of the bill—April 6 of this year. The coming into force of the Greenbelt Act was similarly retroactive.

The fourth point, which I want to finish with, is that the intensification target of 40% laid out in the plan is not ambitious enough to contain urban sprawl. Environmental Defence agrees with the submission circulated to the committee on Monday by Paul Bedford, the former chief planner of the city of Toronto. I wanted to draw that submission to your attention. Mr. Bedford indicates, "If 60% of all new residential development in each municipality continues to occur outside the built-up area, the prevailing pattern of low-density, car-dependent development will continue. Huge quantities of greenfield land will continue to be lost to development, while opportunities for brownfield development within built-up areas will be lost."

Mr. Bedford points out that the greater Vancouver region, Australia and the United Kingdom have residential intensification targets of 60% to 70%. If they can do it, we can do it here.

You'll undoubtedly hear over the next few days of presenters that the density targets suggested in the Places to Grow plan are inappropriate and not achievable. We believe the opposite is the case. In fact, we believe these targets are not ambitious enough.

To finish my presentation, I've brought a couple of visual aids. They are two examples of high density. My not-so-hidden agenda here is to provide you with mental images of what density can look like—images of communities that we realistically build with Places to Grow and images, frankly, to demonstrate that high density does not necessarily mean high-rise.

I'm going to start with this image; I'll pass it around. This is Norwich, England, a very quaint city, population just a little bit over that of Guelph, Ontario; it's undergoing some very extensive infill development downtown. These types of mixed employment-residential areas are hitting the kinds of densities that we would like to see through Places to Grow, so there's no reason why even smaller urban centres can't achieve relatively high densities in their downtowns.

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This image may be familiar to some of you. It's the distillery district in the King and Parliament area of Toronto. The city of Toronto tells us that it's incredibly popular and burgeoning. If you've been down there

recently at night, it is packed with thousands of people. The city of Toronto tells us that that district is actually hitting 200 units per hectare, which is the density target laid out in Places to Grow. What urban centre in the Golden Horseshoe would not want that kind of exciting, mixed employment-residential area in their downtown?

In conclusion, growth management is not an abstract issue. It's about making choices to ensure that what is unique and valuable and most beautiful about our province is protected. Strong provincial government leadership that results in increased density inside existing urban areas will revitalize Ontario's Main Streets and it will improve the health of our citizens. The equation is a simple one: more density downtown saves green space outside of town.

Places to Grow must result in the protection of prime agriculture areas such as Bond Head in south Simcoe county and irreplaceable natural habitats such as Boyd Park in Vaughan, which has been included in the greenbelt but is still threatened by a major road. If Places to Grow does not protect these kinds of areas, it will be judged a failure.

I'll be pleased to take any questions.

**The Chair:** You've left one minute for each party.

**Ms. Churley:** Tim Hudak said, "Yeah, but where's my backyard and where's my garden?" So perhaps you can answer that.

**Dr. Smith:** Those two are possible.

**Ms. Churley:** Maybe a roof garden. I support your contentions here, but those are the kinds of issues that are raised and will be raised—quality of life. Maybe you could respond to that.

**Dr. Smith:** Sure. The Places to Grow plan lays out one suggested density target of 200 units per hectare for mixed employment-residential. Of course, it depends on how large the area is that you're talking about. But if you're talking about one hectare of area, you could easily have detached houses with backyards, semi-detached dwellings and high-rises within that area, and hit 200 units per hectare. In other words, you can reach that density target in different ways, and you could easily have detached housing or semi-detached housing contributing to that density target.

*Interjection.*

**Dr. Smith:** And if you have roof gardens, so much the better.

**Mr. Rinaldi:** Thanks very much, Mr. Smith, for your commitment to this presentation. I know I only have a minute, but just briefly, we're combining this particular bill with Places to Grow because it's on the table right now, which makes a lot of sense to showcase what we're trying to achieve. You want Bill 136 to be more comprehensive, and we're talking about future plans in the rest of Ontario—east, west, north, wherever they may be. If we make this bill too prescriptive, don't you think it will be too difficult to achieve those goals in those other areas that don't have the pressure of the greater Golden Horseshoe?

**Dr. Smith:** I understand your point. What we're suggesting is that the inconsistency that currently exists



between what the bill says its purpose is and what the bill will actually deliver needs to be rectified. The government is saying that it wants this bill to be the framework for provincial spending from here on in. All we're suggesting is that the bill explicitly state that. Similarly, the government has suggested that future major infrastructure projects—presumably whether they're provincially or municipally initiated—should conform with these plans. Well, the bill doesn't say that. Frankly, what I'm doing today is trying to point out those inconsistencies and suggest that they need to be addressed.

**Mr. Hudak:** I'm going to ask a question very quickly, and Mr. Miller had a question. Rick, welcome back. It's good to see you again.

Here in Toronto, in Oakville and Port Dalhousie, there are intensification projects that local citizens will object to and put pressure on council to reject, and it will often go to the OMB. What's a policy suggestion on how to remedy that situation? I'll wait until Mr. Miller has finished his question. I just wanted to get that on the table.

**Dr. Smith:** I agree that that's a problem. As we welcome the very large number of new immigrants to our communities over the next few years, that's going to be something to address. I don't think this bill can do it, but I do think that other changes to municipal bylaws or perhaps other provincial initiatives will be necessary to start to engage people in a discussion about what intensification looks like: What's good intensification and what's not-so-good intensification?

I am unsympathetic to a lot of arguments made by the development industry. The argument that they're occasionally up against it with respect to density downtown is actually one argument that I have sympathy for. This bill can't address that. Perhaps other initiatives can be brought forward.

**The Chair:** Thank you for your delegation. We appreciate your being here today.

#### ONTARIO PROFESSIONAL PLANNERS INSTITUTE

**The Chair:** Committee, we're going back to our schedule. Our next delegation will be the Ontario Professional Planners Institute, if they could come forward, please.

Good afternoon, and welcome. Please identify yourselves for Hansard. You have 15 minutes. After you've identified yourself and the group you speak for, the timing will begin. If you use all of your 15 minutes, there will be no opportunity for questions or comments, but if you don't, I'll make sure it's divided equally.

**Mr. Gregory Daly:** Thank you, Madam Chair. Good afternoon. My name's Gregory Daly. I am the chair of policy development for the Ontario Professional Planners Institute. With me today, on my right, is Melanie Hare, a member of our policy development committee, and on my left is Loretta Ryan, our staff manager of policy and

communications. I'd like to thank the committee for the opportunity to speak.

My remarks today are based on recommendations contained in our letter to the minister dated December 17, 2004, and our submission of April 18, 2005. Copies of these and other submissions related to planning reform are posted on the OPPI Web site at [www.ontarioplanners.on.ca](http://www.ontarioplanners.on.ca). We'll be offering comments today on both the Places to Grow Act and the draft growth plan for the greater Golden Horseshoe.

The Ontario Professional Planners Institute, also known as OPPI, is the recognized voice of the province's planning profession. OPPI provides leadership and vision on policy matters relating to planning, development and other important socio-economic and environmental issues.

As the Ontario affiliate of the Canadian Institute of Planners, OPPI brings together 2,600 practising planning professionals from across the province. In addition, we have about 400 student members. The breadth of our members' knowledge and the diversity of their experience provides OPPI with a unique perspective from which to contribute to planning reform. OPPI members work for municipalities and other governments as consultants, in private industry, and for a wide variety of agencies, not-for-profits and academic institutions. Our members practise in many fields, including urban and rural community planning, and design and environmental assessment.

OPPI is a professional association funded entirely by membership fees and program and activity revenue. Through our public policy program, we conduct research on planning issues and general quality-of-life issues. We distribute this information to our members, government, the public and the media. Our purpose is to provide objective and balanced submissions based on the collective experience and wisdom of our members.

Our comments on the act are this: While we have some specific concerns, we strongly support your government's bold leadership in growth management planning. We urge the government to show equally bold leadership in meeting the fiscal challenges of infrastructure planning, development and operation. The Places to Grow Act and, in particular, the growth plan will only succeed if backed by very ambitious funding commitments.

Bill 136 proposes to place approval authority for growth plans at the cabinet level. This results in the introduction of new policy layers with the creation of growth plans and, specifically in the case of the greater Golden Horseshoe's draft growth plan, five sub-area growth strategies which would be amendments to the growth plan.

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While we support this direction, we are concerned that these sub-area strategies introduce another new layer of planning policy in the Golden Horseshoe. This new layer would be in addition to the growth plan itself, the provincial policy statement, local and regional official plans,



the greenbelt plan, the Oak Ridges moraine conservation plan, the Niagara Escarpment plan, watershed plans and source water protection plans.

This has two key implications: additional resources and time required for the preparation of an additional set of policies and the interpretation and understanding of this new policy layer. There is a point beyond which a planning system can become so complex, no matter how laudable its aims, that it no longer functions efficiently and effectively and loses its credibility with decision-makers and the public.

Municipalities will have to be full players at the table, along with the province, in developing workable sub-area strategies. Municipalities will have to develop and implement the official plan and zoning bylaw amendments necessary to conform with the sub-area strategies and other new planning directions. They will have to interpret and apply these policies in their review of planning applications. Each Golden Horseshoe municipality will have to dedicate significant additional staff and resources to properly accomplish these tasks.

OPPI recommends that resources be made available, perhaps on a matching grant basis, to support the local governments in their implementation of Bill 136.

OPPI supports the establishment of growth management advisory councils. We request greater detail on their role, constitution and participants. We recommend that the councils should include members of the planning profession. As the voice of Ontario's planning profession we look forward to being involved.

OPPI recommends that a citizen-based model be considered for the advisory council. This council should include at least one member of the planning profession.

I'd now like to turn our comments to the draft growth plan for the greater Golden Horseshoe. Many of our comments about this plan are of course closely related to our comments on Bill 136 itself.

With respect to the introduction of sub-area growth strategies, we are concerned that the draft growth plan defers many critical policy directions to the sub-area strategies that could be addressed at the growth plan level. In particular, we propose that identification of built-up areas, intensification corridors, affordable housing targets and waste diversion targets should be addressed in the growth plan now. Where appropriate, these targets could be refined in the sub-area strategies. Time is of the essence, and deferring these decisions risks their not being made soon enough.

OPPI recommends that the province prepare the sub-area growth strategies, in full co-operation with the relevant municipalities, by no later than June 2006. This will maintain momentum and quickly establish certainty with respect to key policies.

The province should amend the draft growth plan to include policies that identify intensification areas, intensification corridors and built-up boundaries as well as address affordable housing targets and waste diversion targets.

The growth plan's intensification policies and targets alone will not be enough to implement growth manage-

ment. Complementary regulatory mechanisms and financial incentives are essential to the success of these plans and need to be matched with the government's policy ambitions. It is our understanding that amendments to existing legislation and a new implementation tool kit are being prepared to address these challenges. We welcome the introduction of these supporting tools and will be pleased to comment on them.

One of the greatest challenges to achieving intensification within already built-up areas is objections from existing adjacent neighbourhoods to proposals for increased density, particularly along corridors. The draft growth plan identifies the need to protect heritage, stable neighbourhoods and environmental features in planning for intensification. However, the policies do not provide any direction to address the at times inherent conflict between intensification objectives and other needs. It would be helpful to add policy direction to address this conflict.

OPPI recommends that the province should offer more detailed elaboration and interpretation regarding the application of intensification targets; the province should issue a draft implementation tool kit to help municipalities implement intensification policies; and finally, the province should refine the growth plan to address the issue of intensification in the context of stable residential neighbourhoods.

With respect to natural system policies, the draft growth plan recognizes the value of a systems approach for protecting our natural environment. This appears, however, to reflect traditional approaches to the natural environment and does not reflect the most up-to-date planning strategies and innovations. OPPI encourages the province to support and encourage innovative approaches to natural system protection. In particular, we are concerned that the natural system protection policies are based on approaches to traditional greenfield development. They do not reflect the range of urban conditions within the greater Golden Horseshoe, and especially the intensified development that the draft growth plan advocates. It is essential to ensure that the natural resource objectives do not conflict with intensification objectives or source water protection targets. For example, with regard to source water protection, it may be necessary to consider watershed-wide targets that allow for transfer of performance standards from urban areas to other parts of the watershed.

OPPI recommends that the province should review the draft growth plan policy in light of current natural system preservation practices; the province should refine the natural system policies as they apply specifically to intensification areas, existing built-up areas and designated urban areas; and finally, where appropriate, the province should introduce policies in support of high-performance environmental technologies and innovations: green site and building specifications, green infrastructure and the like.

Implementation of this is key. OPPI recognizes and fully supports the Ministry of Public Infrastructure



Renewal's proposal for a 10-year infrastructure strategy. This strategy will be absolutely essential to successful implementation of the growth plan.

OPPI recommends that the province release its proposals for implementation mechanisms and financial incentives and resources as soon as possible. The province should target its funding strategies to support intensification and urban redevelopment and should use public investment to ensure compliance with growth plan policies.

In conclusion, OPPI commends the province for its ambitious initiatives to better manage growth. This is a very important new policy direction for our province and in particular for the greater Golden Horseshoe. We urge the government to take the complementary steps I've described to ensure that Bill 136 and the growth plan will indeed guide us toward a healthy and prosperous future.

Like the government, OPPI is dedicated to better, stronger and clearer community planning. Our members have a unique role to play in delivering on these ambitions. We urge the province to draw upon OPPI as a professional resource on matters relating to planning in Ontario. We would welcome the opportunity to meet with representatives from MPIR or any of the other parties.

We thank you, and would be pleased to answer any questions you may have today.

**The Chair:** You've left just over a minute for each party, beginning with Mr. Rinaldi.

**Mr. Rinaldi:** Thank you very much for the presentation. There was a lot of thought, obviously, from your profession.

I want to focus on the subject that you repeated in a number of instances about avoiding duplication with municipalities. As a comment, the majority of municipalities are doing a very good job in planning, so we don't want to infringe on their fine detail. The plan we're talking about is the next level: to manage those local official plans and to meet. One of the arguments we've heard, both on the growth plan and this particular bill—and we've heard from about 1,600 people and had about 500 written submissions to do with specific growth plans—is that a lot of smaller municipalities don't have the capacity to do that intense planning like larger urban centres such as Toronto. How would we address that, if we then get involved provincially, to set those targets more globally?

**Mr. Daly:** I understand. You're speaking to the level of sophistication that any local municipality might have. I'll let Melanie Hare answer that question, sir.

**Ms. Melanie Hare:** One of our concerns is that there are appropriate resources, either on a matching grant basis or in a number of different ways, from your own provincial staff being able to help municipalities who don't have the in-house resource to address some of these issues or, even if they do have the in-house resource, the growth plan and sub-area plans, and the amendments to the official plans on zoning which will be required, are an enormous amount of work. We have a strong level of

concern, and certainly some of our members have let us know about their concerns. They're having a difficult time managing right now with all the urban planning issues on the table. They support this initiative but they're concerned about how they will actually manage this. I heard a previous speaker say that five years is too long to come into compliance. There are some issues about a bit of reality, and we would hope that the province could find some way of assisting financially, through other resource bases, a range of municipalities in staff complement to help them through this process.

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**Mr. Hudak:** Thanks again to the OPPI; I always enjoy your presentations. I have three quick questions so I don't use too much time.

First, you talked about the tool kit and that financial incentives are necessary. What would you advise the government to put in that tool kit? Secondly, you talked about the province playing a greater role in the sub-area growth strategies and setting the densification targets, corridors etc. The committee is going to wrestle with this, because regions will say the opposite. In fact, they feel that's a regional role. So a quick comment to that, if you could. And the third one: I didn't follow when you talked about—if you could maybe give us some examples about modernizing the way natural system policies are applied specifically in intensification areas. Help me understand practically what that advice would mean.

**The Chair:** He had a minute to ask that question and he's asked you to respond in that time, so they're going to have to be really quick answers.

**Mr. Daly:** I'll have Ms. Hare deal with the first and the last. With respect to the second aspect of your question, we believe that the information that would be provided to municipalities in the growth plan in an overarching way is going to guide regional municipalities within the sub-areas to come together on a common basis. As you can appreciate, the sub-areas are greater than any one region, so the opportunity for regions to come together and the potential conflicts that arise in the allocation could be guided by additional direction in the overall growth plan at the provincial level. That's our position. I'll let Ms. Hare deal with the other two aspects.

**Ms. Hare:** Very quickly, the tool kit: There's quite a range of things, I know, in having some conversations with your staff. They're aware of a range of them, but there's everything from tax relief to tax incentives, matching grants, financial granting, and policy mechanisms like development permit systems, where you can achieve some efficiencies particularly in intensification and infill areas. There's a whole range of policy mechanisms, financial incentives, granting, and a large spectrum within each of those.

The third question, on the national system process: I think our concern is that the approach in the policy is well recognized, and the natural systems approach may be inherently in conflict with some of your objectives related to intensification. In intensification corridors you may need a whole different kind of performance-based



set of policies, as opposed to in greenfield developments, where you may actually go on a protection-based policy.

**The Chair:** Thank you. You did a good job in answering that quickly. Ms. Churley, you have a minute.

**Ms. Churley:** I was extremely impressed, and it's always good to hear from people like you who are the real professionals here. I must say that you're always complimentary and try to put the best on any bill that comes before any government. We all appreciate that.

I wanted to ask you: On page 4 you mention amending it to include things like affordable housing targets and waste diversion targets. Would you also consider that energy efficiency and conservation targets should be included in that?

**Mr. Daly:** You're seeing us nod our heads. Generally speaking, that would be an appropriate area to deal with as well. It flows from issues related to waste diversion, absolutely.

**Ms. Churley:** So you'd be happy if we threw that in as well?

**Mr. Daly:** That would be an appropriate additional area within which there could be direction provided at the provincial level.

**Ms. Churley:** I just wanted to ask about brownfields, where you're talking about the tool kit, and clearly that's such a huge piece of intensification. What are your recommendations around what governments need to do to make that easier to be developed?

**Mr. Daly:** I'll let Ms. Hare make a comment, too. I was interested by Mr. Smith's comment about the opportunity to build 200 units per hectare within a one-hectare area, and I agree absolutely that it's achievable. Not to be too simplistic about it, but you can't build the single-family housing first because that creates the conflict where, as you go back, people's expectations for lower density tend to rise. That's part of the issue. It's not to be cute about it, the way in which we develop our communities and the way that it's applied needs to be very carefully considered, and brownfields are one of those areas where there are inherent conflicts between often low-density areas where there is the opportunity to build at a much higher density on them.

**Ms. Hare:** We would support everything we can do about unlocking some of the potential brownfields. I think some of the most recent regulations are aiming at that in trying to apply that and understand the whole regulatory process that goes under that. It's quite complex and probably requires more financial incentives in particular.

**The Chair:** Thank you very much for being here today and for your delegation.

BOND HEAD BRADFORD WEST  
GWILLIMBURY RESIDENTS FOR  
RESPONSIBLE DEVELOPMENT

**The Chair:** Our next delegation is Bond Head BWG Residents for Responsible Development. Please come forward.

Welcome, gentlemen. You have 15 minutes, after you've got yourselves settled. If you could identify yourselves for Hansard and the group that you speak for. Once you begin, you'll have 15 minutes. Should you leave any time at the end, we'll be able to ask questions or make comments on your delegation.

**Mr. Philip Trow:** Good afternoon, honourable MPPs and Chair of the legislative standing committee. Today with me I have Robert Keffer, who is a member of our organization. He will not be presenting, but will be here to answer any questions you have, pertaining to our submission. I'm pleased to be here today to share input with your committee.

**The Chair:** Could I ask you to just identify yourself first, please?

**Mr. Trow:** Yes, my name is Phil Trow, and I'm the chair of the Bond Head BWG Residents for Responsible Development. Our group is focused on protecting the rural and agricultural character of our community in south Simcoe county. Bond Head and Bradford West Gwillimbury are located only a few kilometres north of the Oak Ridges moraine, and just outside the greenbelt boundary.

Since the introduction of the greenbelt in December 2003, there has been an unprecedented rush on land speculation in our area. The clear intent of these developers is to leapfrog the greenbelt. Without strong and immediate action from your government through Bill 136 and the Places to Grow policy, we feel we will lose much of our valuable prime agricultural lands and farm community viability.

Our small hamlet of Bond Head is located on some of the best non-tender fruit land in Ontario. Yields are commonly higher than in Peel, York and Halton. The topography provides a unique microclimate that allows farmers to be on the land earlier in the spring, often weeks before neighbours living up the road.

Within a 10-mile radius of Bond Head, there are 10 dairy farms, a major farm equipment dealership, four grain elevator operations, three fabricating and welding businesses, three seed corn dealerships, four seed-cleaning operations, 10 trucking businesses that transport our farmers' grain, livestock and milk, three fertilizer plants, four abattoirs, four feed dealerships and Ontario's largest cattle auction and stockyards.

While we applaud the government's efforts to preserve a greenbelt around the GTA, as it stands, the greenbelt has left the communities and farmland in south Simcoe vulnerable to large-scale leapfrog development and urban sprawl. This is the community where I live amongst neighbours, many of whom are multi-generation farmers.

In May 2004, Neptis Foundation released a report titled Simcoe County: The New Growth Frontier. This report identifies the factors driving development north of the Oak Ridges moraine, the reasons why developers are proposing such large-scale developments on greenfield sites and what these proposals mean for Simcoe county and the province.



According to Neptis, "Simcoe county is an important test case for the region and the province as a whole. If the smart growth policies promoted by the province fail to be implemented here, it will signal that the existing planning regime is unable to meet the challenges posed by rapid growth."

Clearly, Neptis has identified Simcoe county as the region most threatened by future growth. At the legislative committee hearings to consider Bill 135, members from all parties identified south Simcoe county as the priority area for government intervention to prevent leapfrog development.

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The government's commitment to smart growth hasn't changed the attitude of large developers. It's business as usual, as developers follow the path of least resistance by leapfrogging the greenbelt boundary and focusing their sights on south Simcoe. A large developer has submitted a proposal to amend the township of Bradford West Gwillimbury's official plan to clear the way for a massive development on prime agricultural land. This development would increase our planned population growth of 47,000 people to 115,000 people over the next 25 to 30 years. It is a greenfield proposal that falls outside our town's development boundary, and it contradicts the guiding principles of our community's official plan. The developer's proposal encompasses 6,200 acres, almost 80% of which is prime agricultural land designated as class 1, 2 and 3 lands.

These lands are presently zoned agriculture in our official plan, but despite this designation, farmers in our area are being inundated by speculators. The current system is not working. We need help. Speculators are scrambling to take control of this prime agriculture land. It is not a healthy situation for the agriculture industry to have developers trying to tie up land for possible future development.

The official plan for the town of Bradford West Gwillimbury could not be clearer in its support for agriculture. It states, "The town will protect the agriculture industry (both in the Holland Marsh and on the highlands) because of its importance to the economy of the town." It also states, "The high quality agricultural land which makes up the bulk of the land area within the town, including the Holland Marsh, shall be kept exclusively for agricultural use, and all non-farm uses will be directed away from these lands.... The town will continue to define much of its character based on its role as a significant agricultural economy." And lastly, "The long-term preservation and maintenance of the agricultural land base in the town is a basic principle of this plan."

We need protection. A 1999 study on the economic impact of the agriculture industry in Simcoe county showed that it directly employed 4,770 people and that over 14,000 jobs were tied to agriculture; sales locally, nationally and internationally totalled \$265 million per year; the agricultural community spent \$235 million per year locally on goods and services. The agricultural

industry in our community is a vibrant, self-sustaining economic entity that is a critical component of this province's overall well-being. Because this and other Ontario farming communities function so well as an industry, their importance is all too often taken for granted.

The past few years have been very challenging for farmers. Farmers in Ontario need a farm plan to make farming more viable, but the first step is to protect prime agricultural lands by preventing development on them, like other jurisdictions have implemented around the world. Opening the door to leapfrog development on prime agricultural land is not the answer. We must protect this finite resource. Ontario needs its agricultural industry.

Our residents' group agrees with the Places to Grow goals and visions pertaining to the protection of prime agricultural land and a strong urban growth policy, as stated in the discussion paper. A recent survey of BWG residents conducted by the town of Bradford West Gwillimbury in conjunction with a public visioning meeting held in November 2004 clearly indicated that the number one priority for our town council to consider is preserving prime farmland. But unless firm and detailed guidelines are developed to protect prime agricultural land such as ours in Bradford West Gwillimbury, leapfrog development will destroy our rural community, increase urban sprawl and destroy prime agricultural land. These consequences contradict all the critical objectives of Places to Grow policy.

Our area is also home to the Bond Head heritage highlands, a truly unique environment. The area is rich with cultural heritage sites and acts as a watershed divide between Lake Simcoe and Georgian Bay basins. Our drumlins, heritage farms and woodlots form an irreplaceable landscape that should be protected.

We also ask that you adopt a natural heritage system for south Simcoe that extends the protections contained in the greenbelt to our neighbouring county. There is no reason we can discern for providing protection to features two miles south of us, without also including our landscape.

Again, our residents' association urges you to act swiftly with the Places to Grow policy and defend your government's stand on Smart Growth by curbing urban sprawl. Our community in Bradford West Gwillimbury is at risk of losing its roots as a vibrant agricultural community in south Simcoe county. Surely our community has the same right to protection as the communities that fall within the current greenbelt boundary.

At this point, I'd like to give the committee a visual example of our area, Bradford West Gwillimbury. In your package I've provided two pages of pictures. The first photograph is Bradford as it is today. You can notice its proximity to Cook's Bay or Lake Simcoe, which is at the top of the picture.

The second photograph outlines the urban boundary of the southwestern region of Bradford West Gwillimbury, demonstrating the area designated for future urban growth. You can see that by the black marker.



The third photo shows parts of the Holland Marsh, which is part of the greenbelt boundary, and the Holland River leading to Cook's Bay.

The final photograph is the proposed amendment area, which gives an aerial view of our prime agricultural lands that are at risk for this massive development.

Thank you for your time.

**The Chair:** You've left a little under two minutes, beginning with Mr. Miller.

**Mr. Norm Miller (Parry Sound-Muskoka):** Thank you for your presentation today. Your images do a good job of showing the prime agricultural lands that you're talking about.

You mentioned you are concerned about the leapfrog effect of development that is going to happen because you're just outside of the greenbelt boundaries. You've pointed out that you have some of the best non-tender fruit land in Ontario and some prime agricultural land, and you're just outside the greenbelt. Why was this area not included in the government's greenbelt area?

**Mr. Trow:** We're still asking that question ourselves. I don't have an answer for that. I don't think we were ever really given an answer to that as a group. So it still begs the question of why we were left out when we have such an important area with agriculture.

**Mr. Miller:** As the opposition, we've been arguing that it's been political science, not based on what's actually on the ground, that's defined where boundaries of the greenbelt are. You're illustrating that by showing that you're right on the edge and yet you have prime agricultural land that's been excluded from the greenbelt. Would you agree with that?

**Mr. Trow:** Yes.

**Mr. Miller:** Thank you.

**Ms. Churley:** Thank you for coming forward again. I really congratulate you on keeping up the fight—good for you. I'm glad you've brought the visuals, because when you look at them, they really illustrate how important it is that this be protected. You know that I've made amendments and they were turned down by the government.

Environmental Defence just came forward and said quite specifically that if these lands aren't included, because they weren't under the greenbelt, this act would be a failure. I don't know if I have any questions for you, because we've talked about this many times, except to impress upon the government that the greenbelt, in my view, is a failure for other reasons, but this is a big piece of why it's a failure.

I'm simply saying to you that you have my continued support to try to get the government to do the right thing when it comes to protecting these lands, not only for the sake of preserving valuable farmland but to prevent that kind of leapfrog development that is one of the major flaws in the greenbelt. You have my support on that, and I hope that the government is now meeting with you for further discussions on this. Are they?

**Mr. Trow:** We have not yet had any conservation about that.

**Ms. Churley:** I hope that maybe the parliamentary assistant today will agree to meet, because I can assure you I have before under the greenbelt. When you really look at what's at stake here, I think this time you will agree that this has to be included and protected.

1640

**Mr. Rinaldi:** Thank you very much for your presentation and your commitment to your cause. We were referring back to the greenbelt and there was ample discussion. I guess the questions are to focus on what we have in front of us today. In your presentation you want some action. Can you be a little bit more specific on the type of action you would be looking for from government to address your concerns?

I guess for the few who would ask the question, "Very well, we want to be included in the greenbelt today," I'm not so sure. To be very honest with you, I'm not going to be able to answer that question, but with the tools that we have in front of us today, what would you recommend you'd like to see us do?

**Mr. Trow:** Our town is being faced with this proposal. It's been there for almost two years. Our council has been waiting for all the information that they've been asking for to make a decision regarding this proposal. But the question is, why is our council being faced with these kinds of proposals when our official plan outlines what our growth is for the next 30 years? They've gone to the government and got it passed by the OMB. This is what our plan is, yet we have growing pressures to say, "Let's move that boundary and let's take out 6,000 acres of prime agricultural land," where our town is 500 and the rest of it, as you can see by the photographs, is land for growing food.

In Places to Grow, you're trying to establish—which is a good vision—where you want the growth to take place. You're saying that Barrie is one of the places that you want it to take place because you want it to grow from the infrastructure out. You're saying that Newmarket, which is five minutes from Bradford, is an emerging area because they have certain infrastructure. But we're being faced with going 60,000 more people on top of the 47,000 that we have allowed within our official plan that was endorsed by the government.

We need help. Our council needs help to say, "Here are the tools that we're working with, and we are going to make that decision," but they're feeling the pressure from outside influences. So we need action from the province now.

**The Chair:** Thank you for your time, Mr. Trow. We appreciate you being here today for your presentation.

#### URBAN DEVELOPMENT INSTITUTE/ONTARIO

**The Chair:** Our next delegation is Mr. Rodgers from the Urban Development Institute.

Welcome, gentlemen. If you're both going to speak, could you identify yourselves for Hansard and the group you speak for. You will have 15 minutes once you do



begin. Should you leave time at the end, we will be able to ask questions or make comments on your presentation.

**Mr. Neil Rodgers:** Thank you, Madam Chair and members of the committee. My name is Neil Rodgers, president of the Urban Development Institute/Ontario. Joining me is Mark Tutton, the chair of the organization. We are pleased to be here before you today.

Development and its related construction activities employ over 350,000 men and women in the province of Ontario. Over the past five years, the value of residential construction alone has grown by approximately 9 %, three times the rate of growth of the entire economy. This growth, in turn, help, the province contribute to critical social services, such as health care and education.

We intend divide our remarks up in terms of both the plan and the bill.

With respect to the bill, we support section 5. To this end, we call on the McGuinty government to deliver on its 2004 budget commitment and appoint a provincial facilitator. Furthermore, we call on the government to appoint a blue ribbon panel of experts to review the advice from municipalities and stakeholders before submitting the draft plan to cabinet for consideration. This is in keeping with language previously committed to in both the discussion paper and the draft plan.

With respect to section 6—this lists a number of identified items which are very similar to matters contained within upper-tier official plans—UDI believes that provincial growth plans should not duplicate regional planning efforts and processes. We submit that creating sub-area growth strategies, SAGS, while well-intentioned, will get bogged down in parochial interests. This is not where the province should be investing its efforts. The growth plan has the potential to be an excellent foundation from which municipalities can build strategic policies addressing growth management and infrastructure investment.

To this end, we recommend that areas of provincial interest in interregional growth management planning be focused through the PPS and the coordination of 30-year population and employment forecasts, and that the planning, financing and delivery of provincial and inter-regional infrastructure services be the sole responsibility in this section.

Section 9 authorizes the plan to be reviewed every 10 years. A 10-year statutory review is not responsive to dynamic economic and demographic forces. Recent provincial legislation, including the Oak Ridges Moraine Conservation Act and the Greenbelt Act, operates within the same statutory time frame. On the other hand, the provincial policy statements are reviewed every five years, and municipal official plans under the Planning Act are on the same schedule. We believe this patchwork of land use policy and legislation creates a disconnect. In the interests of good public policy, a strategic one-window approach should be adopted.

We recommend amending section 9 and the related aforementioned pieces of legislation so that all provincial land use planning documents—the PPS, the Planning

Act, the Oak Ridges Moraine Conservation Act, the Greenbelt Act and the growth plan—are on a five-year review cycle, which will allow them to be considered through a comprehensive process.

Section 12, the official plan conformity exercise: There seems to be a lot of conformity among the speakers on this issue. This section requires municipalities to bring their OPs into conformity with the growth plan during their next five-year OP review, as mandated by subsection 26(1) of the Planning Act. We are concerned that this will result in an inconsistent policy approach, particularly if upper- and single-tier municipalities are on different OP review schedules, and they are.

To ensure consistency among planning documents, UDI recommends that the province amend the bill in a fashion similar to section 9 of the Oak Ridges Moraine Conservation Act so that municipalities would be required to bring their official plans into conformity with the growth plan within 12 to 18 months of the growth plan's approval. That's the schedule in that particular act.

I'm going to move on to section 14. Subsection 14(5) establishes a legislative and policy hierarchy, but subsection 14(4) has an override provision that states that in the event of a matter relating to the natural environment or human health, the policy that provides more protection prevails. We have no objection to policies protecting human health and public safety. However, UDI submits that onerous local environmental policies applied to urban and urbanizing areas will conflict with the growth plan's compact urban form objectives and unintentionally propagate sprawl. For this reason, we recommend that the "natural environment" language be deleted from this section, as the natural heritage policies contained within the PPS, recently approved by cabinet, are more than adequate to protect the natural environment.

During the planning process, landowners are obligated to "be consistent with" the PPS, and we will now have to "conform to" the growth plan. This will undoubtedly create many interpretational debates as to how to meet the rules of the planning process. Further confusing the matter, the bill states that if there is a conflict with the PPS and the growth plan, the growth plan prevails.

Moving to sections 17 and 18, we are troubled by the broad and unprecedented regulation-making powers in the bill. Such powers are not transparent and do not offer landowners, municipalities and the public certainty as to the purpose of the growth plan. It is our belief that the province should try to build consensus with municipalities and stakeholders, and exhibit balance, fairness and reasonableness when exercising power. Clause 17(1)(c) is uniquely troubling as it gives cabinet power to deal "with any problems or issues arising...." This could be applied to virtually any potential scenario, offering neither fairness nor certainty.

We question the government's granting of authority through subsections 17(4) and 18(4). These sections, which permit Bill 136 regulations to prevail over other acts, are well beyond the powers typically given by statute to the Lieutenant Governor in Council or a min-



ister. We recommend that sections 17 and 18 be limited in their scope.

I'm going to turn it over to Mr. Tutton.

1650

**Mr. Mark Tutton:** UDI/Ontario concurs in the Places to Grow vision and guiding principles. Places to Grow has the potential to be the needed catalyst for implementation of the province's overall policy for municipal and infrastructure planning in the region. Unfortunately, for too long, successive provincial governments have not reinvested adequately in the region's infrastructure, to the point where the infrastructure deficit has grown out of reach. UDI looks forward to the McGuinty government, in conjunction with the federal government, investing in Ontario's future and accelerating the required infrastructure investments to support Places to Grow. Infrastructure is the most critical element of the growth plan. Without it, the growth plan risks becoming just a development control and zoning document.

UDI was hopeful that there would be concurrent announcements made with the release of the growth plan regarding the MTO master transportation plan strategy for the greater Golden Horseshoe and the Greater Toronto Transportation Authority. We remain concerned about timing, and believe that the government is not moving forward fast enough on their campaign commitment to introduce legislation to create and finance the GTTA. These two matters form the foundation of the growth plan and are critical first steps toward easing congestion and offering commuters a seamless transit network across the GTA. We urge the government to release information concerning both of these initiatives to the public without further delay.

UDI is concerned with the growth plan's lack of strategic prioritization of infrastructure investment. We submit that the growth plan may in fact have too many urban growth centres, or UGCs. While we support raising the density bar within such centres, we believe that having too many will dilute the infrastructure investments required, to the point that it will not achieve the desired goals for any of the identified UGCs. Of the 25 identified, only two, downtown Toronto and Yonge-Eglinton, have attained the density targets identified in the growth plan, for the simple reason that these two centres have experienced previous substantial provincial investment in the public transit system.

When comparing measures of land use efficiency and compact urban form, Ontario's planning system is a leader without equal. On the North American continent, the greater Toronto area and Hamilton region, or GTAH, has achieved the second-highest concentration of housing densities, exceeding New York, Chicago and San Francisco metropolitan regions by a wide margin and comparing favourably with London and Paris. As net residential densities have increased in the GTAH, gross densities for new communities have decreased. This is the result of a steady increase in the amount of land being taken for public and environmental uses through the development approvals process.

The air photo sketch that's included in the package illustrates the Springdale community in the city of Brampton. It attains the 50 persons and jobs per hectare, but on a net basis, not a gross basis. As you can see, some of the densities, or the jobs and persons per hectare, are quite high.

If you look at the table just below that, the far-right-hand column gives you an idea of what the gross densities are in the various regions across the GTA and Hamilton, with only the city of Toronto currently exceeding the 50 level, at 69, on a gross basis.

Creating more compact urban form in the future will require consideration of the cumulative impacts of municipal and environmental dedications and a determined effort to rationalize the continuously increasing demand for public land. Needless to say, Ontario's planning system is complex, and public policies are often in conflict.

Housing demand across the GTA is heavily weighted to ground-related units. This is unlikely to decrease substantially in the foreseeable future due to prevailing demographic trends, the economic climate and consumer preference. The Ministry of Municipal Affairs and Housing and Canada Mortgage and Housing Corp. estimate that there is currently a 3.7-year supply of single-detached units and an 11.3-year supply of apartment units across the GTA.

The region's current phenomenal success in attracting and retaining skilled workers from around the world can in large part be attributed to the relative affordability of ground-related housing in the region. A diminishing land supply, among other reasons, has led to significantly higher and rising land costs. Also, the employment land needs of the region should not go unrecognized. To accommodate the projected employment growth to 2031, the GTAH will require an additional 16,800 hectares of land to be designated beyond what exists in current official plans.

To summarize, how will the province resolve the conflicts between market forces, consumer preferences and fiscal barriers? The lack of commitments and detail in the growth plan leaves both the development industry and municipalities asking questions surrounding the potential success of the growth plan and when we will begin to witness real, positive change. The bottom line is that Places to Grow is a step in the right direction; however, for it to succeed, more than words and promises are necessary.

The growth plan must resist becoming a zoning document. The McGuinty government will lose an historic opportunity to modernize Ontario's aging infrastructure and build for tomorrow if Places to Grow becomes a blueprint for stopping growth. Places to Grow must look beyond the current horizon and define strategic employment nodes, deliver a predictable, competitive and long-term land supply that will sustain housing choice and affordability, and address the infrastructure deficit. Unfortunately, the draft growth plan has left much of the implementation heavy lifting to municipalities through the development of sub-area growth strategies.



Now is the time for the government to deliver a functional growth agenda commensurate with an infrastructure investment strategy that will truly modernize Ontario into a 21st-century economy. If Ontario is to remain the economic engine of the nation, we simply cannot expect anything less.

**The Chair:** You left about 30 seconds for each party, beginning with Ms. Churley.

**Ms. Churley:** Thirty seconds? There's no time to ask questions. I guess I can ask you quickly, you believe that in some ways the government is getting too involved in the minutiae. Would you agree with the Bond Head group, which presented before you, that their municipality has said very clearly that they want to preserve that land as farmland but the province is saying, "No, it's going to be developed"? Who should make that decision?

**Mr. Rodgers:** There are challenges no matter how you see it, whether or not you are considering the development of green fields and farmland to accommodate these people. I was in Halton region this morning giving a similar presentation, and they have made it quite clear that they don't want intensification. So the challenges are on both sides of the equation. Quite honestly, Ms. Churley, I think the government has to wrestle with how best they choose to intervene in local planning to defend the interests of ratepayers and taxpayers, because it's a slippery slope no matter how you cut it.

**Ms. Churley:** I wish I had more time to follow up on that one.

**The Chair:** That was a trick question. Ms. Matthews.

**Ms. Deborah Matthews (London North Centre):** Welcome back. It's nice to have you with us again. I just want to refer to what you have on page 10, which shows the consumer preference survey. Do you have data that would include rental as well as a home purchase? I believe this is just a survey of those who intended to purchase. The housing market involves a substantial rental component too.

**Mr. Rodgers:** I don't have that information at hand. I'm sure they conducted a study of that nature.

**Ms. Matthews:** That would be interesting. It gives us a better look at the whole demand for housing.

**Mr. Rodgers:** But the phenomenon of housing activity has been, in large part, because renters have been moving out of their accommodation into for-purchase market housing. That's why we're seeing such a significant vacancy rate in the city of Toronto, which we haven't seen in 25 or 27 years.

**Ms. Matthews:** I suspect there are lots of other factors contributing to that phenomenon as well.

**Mr. Rodgers:** Low interest rates, of course—all those things.

**Mr. Miller:** A previous presenter said that there's a point beyond which a planning system can become so complex, no matter how laudable its aims, that it no longer functions efficiently, and effectively and loses its credibility with decision-makers and with the public. I just wonder whether we're heading that way or whether you have any suggestions to simplify this process.

1700

**Mr. Rodgers:** I think we've gone over the edge in terms of the complexity of the planning system. It's something that started about seven or eight years ago and, quite frankly, it has been a system which has offered far too many sticks and very few carrots, whether it be for developers, for municipalities or for people who wish to invest in this province.

**The Chair:** Thank you, gentlemen. We appreciate your being here today.

#### AGGREGATE PRODUCERS' ASSOCIATION OF ONTARIO

**The Chair:** Our next delegation is the Aggregate Producers' Association of Ontario. Welcome. Could you identify yourselves—the individuals who will be speaking today—and the organization you speak for. When you do begin, you will have 15 minutes. Should you leave any time at the end, we'll be able to ask questions or make comments on your delegation.

**Ms. Carol Hochu:** Thank you very much, Madame Chair, and good afternoon, ladies and gentlemen. For the record, my name is Carol Hochu. I'm the president of the Aggregate Producers' Association of Ontario. Joining me today is Peter White, our association's environment and resources manager. We're pleased to be here today representing the interests of Ontario's sand, gravel and crushed stone producers, speaking on a matter of public interest.

Some of you may be unfamiliar with our industry's contribution to Ontario, although everyone in this room is indeed a user of aggregate. Whether it's the road you travelled on to get here today, the school your children attend or the hospital that cared for your ailing family member, all these sectors depend on a vital supply of close-to-market aggregates, as do the environment and our economic prosperity. Let me add that the products our industry supplies are not discretionary. The industry only supplies product that is required for construction and other uses and for which there is an immediate demand. Without aggregates, neither maintenance nor construction of infrastructure is possible.

Our purpose in attending today's meeting is to provide you with some comments and advice on Bill 136. At the outset, let me congratulate the government for having the foresight to lay out such an ambitious plan. The growth act and plan will lead to large-scale construction projects across the province: hospitals, schools, roads, bridges and more. All of these projects require aggregate in order to come to fruition, and we're pleased to play an important role in assisting the province in meeting its overall infrastructure goals.

Now, on to our comments and advice on both the act and the plan. Consistent with government policy set out in the new greenbelt plan and the provincial policy statement, the draft growth plan establishes the intention to protect an abundant, close-to-market supply of aggregate. However, some of the language in Bill 136 and



the draft growth plan doesn't support this intention. So in order to support the growth plan's laudable objectives, specifically with respect to the protection of close-to-market aggregate supply for the greater Golden Horseshoe, we suggest that the mineral aggregate resources section, 4.5, and in particular the context section, 4.5.1, be modified to include the need to identify and protect areas of high aggregate potential for future use to ensure the availability of aggregates close to market.

We also recommend some additional statements to the policies section, 4.5.2, as follows: that the policies in this section do not apply to lands included in the proposed greenbelt plan; that mineral aggregate resources close to market provide environmental, social and economic benefits; and that extraction is a temporary rural resource use, and rehabilitation of sites, as required by the Aggregate Resources Act and other plans and policies, can provide positive after-uses, including natural heritage, agriculture, recreation and water management uses.

We would not include any reference to a long-term strategy, as indicated in section 4.5.2. However, if such a provision is to be included, we request that it be reworded by adding a bullet point that refers to the need for comprehensive approaches to identify and protect areas of high-aggregate potential for future use to ensure the availability of aggregates close to market, and to make aggregate available within the greater Golden Horseshoe.

Regarding Bill 136, it is critical that the act and the plan be clear in relation to other provincial initiatives relating to land use. We understand that the act and the plan are meant to build upon and integrate these other provincial initiatives.

In relation to mineral aggregate resources, which are identified as "valuable" and "required" for infrastructure and growth generally, neither the bill nor the plan should add any further constraint to the adequate supply of much-needed aggregate, which the PPS directs should be preserved. We request clarification of how subsection 14(4) of the bill achieves government objectives, including an adequate supply of close-to-market aggregate.

Before closing, let me make a few general comments about aggregate availability. The 1992 study, *A State of the Resource*, found that close-to-market licensed aggregate supply was reaching critical levels in southern Ontario and needed replacing. This finding was consistent with earlier provincial studies. Since that time, the shortage has become even more critical. Over the past 12 years the GTA has replaced only one tonne for every three tonnes it produces. That is a depletion-deficit ratio of three to one.

The need for a close-to-market supply of aggregate has been clearly established and is recognized in the new provincial policy statement. This is particularly the case for the GTA, the greater Golden Horseshoe, which is the economic engine of Canada. The Ministry of Natural Resources made a comment on a recent licence application, noting that "current licensed supply is rapidly depleting for the GTA and this operation is needed to supply

forecasted demand." Aggregate extraction is only approved with full consideration for other issues. This is a requirement of the provincial Aggregate Resources Act and the PPS.

The fact is that it's very difficult to obtain new licences in Ontario. On average, we see five to 10 years and hundreds of thousands, if not millions, of dollars to obtain a new licence. Further, the planning policies and environmental laws that govern issuance of new licences require the highest degree of environmental scrutiny and full, upfront consideration of impacts on other uses and resources.

This government, at a previous time, passed the 1989 Aggregate Resources Act and announced it as amongst the most environmentally sustainable legislation regulating extraction in North America. The current focus should be on implementing that legislation and the long-standing government policy that encourages adequate close-to-market supply from well-regulated operations in order to support Ontario's economic prosperity in a responsible manner.

On the issue of recycling: It will not replace the need for new licences. It will have only a small overall impact, estimated at about 5%. As early as 1992, Ontario was, and by the way still is, considered a leader in recycling compared to all provinces and most US states. The Ministry of Transportation maximizes use of recycled products, taking into account environmental, engineering, economic and safety requirements. Much recycling occurs at the job site, called in-place recycling, which means that the statistics on recycling don't capture this high rate of reuse.

Some suggest that the solution to land use conflicts around high-demand growth areas is to find alternative supplies and materials, including finding materials from faraway sources and transporting them by truck, ship or rail. Transferring the perceived problem unnecessarily adds costs of a social, economic and environmental nature.

Members of this committee I'm sure are aware that Toronto's decision to ship its garbage to Michigan is not an environmentally sustainable solution. Consider for a moment if this same principle were adopted for aggregate. Shipping Toronto's garbage requires 70,000 truck trips per year, where fulfilling the GTA demand for aggregate requires three million truck trips per year. It's simply not environmentally responsible to abandon the long-standing principle of maximizing resources close to market. The right approach is to encourage conservation and recycling and to encourage new close-to-market supply. This will help address the immediate shortfall in high-quality aggregate products for the greater Golden Horseshoe.

**1710**

The policy direction of ensuring adequate close-to-market supply, while minimizing social and environmental impacts and requiring progressive rehabilitation to agriculture, natural heritage or other appropriate after-uses, is the necessary long-term strategy which should



now be implemented. This policy direction and the regulatory tools are now in place through the updated PPS and the amended Aggregate Resources Act with its supporting provincial standards document.

Thank you for the opportunity to address you this afternoon. Hopefully some time remains, and Peter and I would be pleased to answer any questions you might have.

**The Chair:** You have exactly two minutes each, beginning with the government side.

**Mr. Rinaldi:** Thank you for your presentation and for being here.

Can you maybe be a little bit more specific about the conflict from this proposed legislation and what's in place now with PPS insofar as, I guess, controlling or guiding where your particular industry is?

**Mr. Peter White:** One of the principles for aggregate is addressed in the PPS, which is: As much as is realistically possible, as close to market, make resources available. This document is silent. It calls for the development of a long-term strategy and then outlines three objectives for that strategy.

We feel, with the Aggregate Resources Act and the provincial policy statement in place, and being relatively new, that the benefits to be gained of addressing a long-term strategy are small and that the direction given within the policy statement and the implementation requirements of the Aggregate Resources Act, and some other 28 pieces of legislation that we have to comply with, provide the guidance.

We're suggesting that the plan introducing the concept of doing an additional strategy begs the question, what would be the advantage, what's to be gained by that, when we feel that most of the concerns we've come across have been addressed through other pieces of legislation?

**Mr. Rinaldi:** Do we have any more time?

**The Chair:** Fourteen seconds.

**Mr. Rinaldi:** Thank you, Madam Chair.

**The Chair:** I'm sure Mr. Hudak will take that for you—an extra 14 seconds.

**Mr. Hudak:** I owe you.

**The Chair:** You've just used it up.

**Mr. Hudak:** Fair enough.

Carol and Peter, APAO, thanks very much for your presentation and for being here. I had a couple of questions, and I'll just ask both to give you more time to respond.

You have raised a concern about subsection 14(4) of the bill, which is conflict provision. Would you mind elaborating on your concern with subsection 14(4)?

You talked about the recycling of aggregates and made the claim that it would only have a 5% impact on supply. Where does the basis of only a 5% benefit from recycling come from?

My third point is with respect to an amendment to the plan, section 4.5.2, that it should be noted that the greenbelt plan would maintain its current rules. I think

what you're asking for is that the greenbelt rules for aggregates would not be changed by the growth plan.

**Mr. White:** We have statistical information that supports the 5% analysis that was done. The concept, as you can probably appreciate, is that you're not knocking down a whole lot of buildings. There isn't a lot of concrete just sitting around, waiting for somebody to make it into a useful product; asphalt, yes, and that's where the in situ or on-site recycling occurs. It doesn't show up in the statistics because it's extremely hard to measure. It's up and down in a matter of a couple of hours.

With regard to the greenbelt, the plan begs uncertainty as to which and how it relates to all the rest of the government initiatives. We just want to make sure that picture is abundantly clear and that it links together in a nice, linked format, as opposed to tripping over each other. We're just not quite clear that it does that yet. So we think it begs that question.

**Mr. Hudak:** Subsection 14(4). You had a concern about that.

**Mr. White:** Yes, clarity in the conflict clause: The glossary, some six pages in length, doesn't define two basic principles over which you could have conflict. "Natural environment" is not defined. So that leaves it to a bunch of other people to define whether they think it's in conflict or not. Again, clarity would assist the situation.

**The Chair:** Ms. Churley.

**Ms. Churley:** Thank you very much for your presentation. I want to ask you, because it's such a short time, a very specific question. As you know, your industry has been raked over the coals twice by the Environmental Commissioner. There have been other studies that indicate we're not doing nearly enough, and your industry is not doing nearly enough, to use secondary materials. You mentioned conservation being very critical. So my question would be, do you therefore support extraction taxes—as they've done in, say, England; I believe Britain's is up to 60% higher than we have here—to create that kind of incentive to do more on conservation and recycling? Clearly, as a result of studies that have been done and the Environmental Commissioner's report about environmental impacts—I'll stop there because I'm going to run out of time. Would you support a high extraction tax to get that done?

**Ms. Hochu:** I can start, and Peter can jump in. With respect to what you call the extraction taxes in the UK, I don't think it's fair to compare the UK market to the Ontario market. It's quite a different market. It's a much older economy in terms of having the buildings and greater materials available for recycling. You should also know that all producers in the province pay a six-cent-per-tonne levy—

**Ms. Churley:** Yes, I'm aware of that.

**Ms. Hochu:** —which gets dispersed to the province and municipalities, which is some \$9 million. We'd like to remind everyone that that happens.

We certainly assert that the industry can be doing more in the areas of recycling and conservation. We



understand that the Ministry of Natural Resources, and MTO and some other ministries are working together on a strategy to do that. The point was that there could be some additional material coming from recycling, but it's not going to replace the 170 million tonnes that we need every year in the province.

**Mr. White:** The only thing I would add is that reduction of aggregate is on the basis of demand. It's not sitting out there in huge lumps, all piled up waiting for somebody to say, "Oh, I think I need some."

**Ms. Churley:** So what do we do to reduce the demand, given the reports from the Environmental Commissioner and Pembina and others? There are clearly problems.

**Mr. White:** I think we're talking about large-scale society changes to reduce it, because aggregate is such an integral part of our environment. It's a basis of our construction industry. If we're going to change the basis of the construction industry, change the basis and how—

**Ms. Churley:** And what materials we use should be a part of that, right?

**Mr. White:** If you find a replacement material, yes.

**Ms. Hochu:** Just two additional points—

**The Chair:** You're going to have to be really quick; we're running over.

**Ms. Hochu:** The industry fills the demand; we don't create the demand for aggregates. Through intensification, which is part of the growth plan, you still need about 80% to 85% of the aggregates for lower-rise development.

**The Chair:** Thank you very much for being here.

#### SIERRA LEGAL DEFENCE FUND

**The Chair:** Our next delegation is the Sierra Legal Defence Fund.

Welcome. Thank you for being here. I'm sorry we're running a tiny bit late. Before you begin, could you identify yourself and the group you speak for? You will have 15 minutes once you begin. Should you leave time at the end, there'll be an opportunity for questions or comments on your speaking notes.

*Interjections.*

**The Chair:** Could I get a little bit of order, please.

**Dr. Anastasia Lintner:** My name is Anastasia Lintner. I hold a Ph.D. in economics and a law degree. Being an economist and a lawyer, if nothing else, means I'm the brunt of every single joke there is.

I thank you for the opportunity to allow Sierra Legal Defence Fund to make submissions before you today regarding Bill 136. You should have before you a short written submission, which I will make reference to, but I will not go through every point we've made. I hope I can be brief and allow time for questions.

Sierra Legal strongly supports the province taking initiatives to coordinate and lead sustainable community planning within Ontario. The negative consequences of our past and current land use planning and urban sprawl on human health and the environment are well known.

As Dr. Smith from Environmental Defence outlined earlier, these human health impacts can be particularly severe.

**1720**

Bill 136 is enabling legislation, and we appreciate that we've had the opportunity to look at a draft growth plan at the same time as looking at the enabling legislation. It allows us to better see how we think that legislation will play out.

Sierra Legal supports the environmental and human health protection override, and we believe that Bill 136 can be even further strengthened to promote environmental sustainability and social well-being within Ontario. I will make comments regarding three areas in which you could strengthen the aspects of environmental sustainability and protection of human health and social well-being: first, with respect to the preamble, the purposes and the interpretation; second, with respect to the contents of the plan; and third, with respect to the section that indicates the plan is not an undertaking with respect to environmental assessment.

If you just want to turn to page 2 of our submission, we outline the fact that the preamble and the purposes are focused on growth and its management, and we believe that the preamble and the purposes could be broadened to promote environmental sustainability, economic prosperity and social well-being, to make it a bigger, broader vision of what is trying to be accomplished by the act. Within interpretation, as we support the natural environment and human health override, we believe that it will make the legislation clearer if there is a definition of the natural environment within the interpretation section.

My second area of comment is on the content of the plan. On page 3 of our written submission, we make several recommendations that deal with how the bill could be enhanced to outline the policy goals and criteria that will provide for environmental protection and sustainable energy use. Our recommendation 7 requests that amendments be made to ensure that the sub-area growth strategies would also enable protection of vital environmental systems, and Dr. Smith of Environmental Defence earlier mentioned a few of the key areas that would benefit from better protection.

Finally, on page 5 of our submission, with respect to subsection 16(2), that any growth plan that would be developed under this legislation is not an undertaking, it does say that the Environmental Assessment Act would continue to apply within a growth plan area. However, Sierra Legal is concerned that a combination of setting up land infrastructure without environmental assessment of the needs and rationale for that planned infrastructure, and then placing it within a plan that is not subject to the environmental assessment, could lead to a situation where planning, such as for highway corridors, would be made firm without appropriate attention to the needs and rationale.

We urge the government to move ahead and pass the greenbelt plan, the Places to Grow Act, and strengthen the act with amendments that would meet the goals of the



act: curb urban sprawl, protect vital natural systems, protect drinking water sources and promote sustainable development patterns.

Those are my comments. If there are any questions, there's time.

**The Chair:** You've got lots of time, almost three and a half minutes for each group, beginning with Mr. Hudak.

**Mr. Hudak:** Thank you very much for the presentation. There's great detail, which we appreciate you going into, and such specific recommendations to the plan, as well as making recommendations for the legislation.

I guess mine is a bit of policy. Earlier, to Environmental Defence—I'm not sure if you were here—I asked a question about the age-old challenge that municipalities are trying to encourage intensification projects within their boundaries. Often local residents object to them and municipal councillors feel under pressure to turn those projects down and may go to the OMB etc. Do you have any advice to us to try to remedy that difficult policy situation?

Secondly, the OPPI talked about a tool kit that municipalities and investors would need to really encourage intensification projects. Do you have any advice as to what things should be in that tool kit to make these projects a reality?

**Dr. Lintner:** With respect to how policies might reduce conflicts about land use planning within municipalities, I suspect that this legislation isn't going to assist us. I think we need to encourage planners and developers to allow their imagination and their innovation to create community development that is desirable for individuals who are living within that area. If more and more examples of spaces where you can walk and enjoy community are available, then people will see that infill intensification isn't bad.

On what additional things we might put into the tool kit, I think that one way we can really allow municipalities to reach goals of community sustainable development is to provide capacity-building within communities between stakeholders, allow conflict resolution, get information out about how conflict resolution can be both encouraged and accomplished within municipalities. Then maybe we don't go to the OMB; we find a way to resolve issues in a way that promotes the purposes of this particular legislation.

**The Chair:** Ms. Churley.

**Ms. Churley:** Thank you very much. It was a great presentation. There are some very good suggestions in there.

I wanted to ask you if you can give us some ideas about how this legislation may be amended to deal with some—shall I put it kindly—oversights, things that were left out of the greenbelt. We had a group come before us earlier—I don't know if you were here for it—the Bond Head/BWG they call themselves. The Bond Head area in Simcoe county and Boyd Park in Vaughan are areas that we tried to get included in the greenbelt, but the

government refused to put them in. Now they're coming before us—and I don't blame them. There is still a huge problem with prime farmland being developed. We refer to it as leapfrog development, leaping over into Simcoe county. They'd like to see this committee, with this bill, remedy the problem, because it wasn't dealt with in the greenbelt. Do you see a way to do that within this bill?

**Dr. Lintner:** I'm not certain that it can be fully accomplished with this particular legislation. But drawing your attention back to the contents of the plan, the section 6 issues, as Dr. Smith mentioned—it's not in our submission specifically—one of the things that can be done is to make the types of things that are included in growth plans mandatory. Change the language to "shall," and make sure that the criteria that must be included in plans emphasize the environmental sustainability issues, the connectivity and the protection of prime agricultural lands as being key. I think that might at least start to remedy the situation you've mentioned.

1730

**Ms. Churley:** So you're saying it wouldn't totally remedy it. What other suggestions would you have, then, to remedy this situation with leapfrog development and the eating up of the prime farmland in the Bond Head area? What else could be done if people feel, as I do, that that's critical? I agree with Environmental Defence that this bill will be a failure unless that's done.

**Dr. Lintner:** I agree it's critical that we find a way to protect natural heritage, prime agricultural lands, drinking water source lands. If, for the greater Golden Horseshoe area, we are going to do that, then the suggestion from the Minister of Public Infrastructure Renewal about putting these sub-area growth strategies in place with a set of criteria they've put in their proposed growth plan is a way in which the municipalities and the stakeholders within those sub-areas would get together and really protect those areas. From any of the public meetings I've been at regarding the growth plan, that's where the regional outer-ring stakeholders believe they can actually have an impact.

**Ms. Churley:** Thank you. That's helpful.

**The Chair:** Mr. McNeely.

**Mr. Phil McNeely (Ottawa-Orléans):** I'm interested in recommendation 6, that the policies include "energy conservation and the development of low-impact renewable energy sources." I guess that is in some of the OPs now within this area. What specifically do you see should be included in this document? What are the specifics you see we should include?

**Dr. Lintner:** Are you speaking about the growth plan or within this legislation?

**Mr. McNeely:** I'm a sub today. How would that be done? I think it's extremely important that we get that message out. This is the time to do it, with the overview. If it's not done, then I'd like to know how it should be done.

**Dr. Lintner:** We feel that given the government's focus on trying to bring about conservation and renewable energy projects, this is another opportunity to enable



growth planning, maybe not—as we’ve said, that growth is not necessarily the reason we should be doing this, but to allow this planning exercise to encompass all aspects of the initiatives that would assist us in developing better communities. As to the specifics that might be included in any particular plan, I don’t think you want to be so prescriptive within the legislation. You would allow the planning exercise and the public input to what would be the best ways to accomplish that to allow us to be innovative and imaginative about reaching those goals.

**Mr. McNeely:** If I could have a second question, under recommendation 12, I would like to know how major infrastructure would proceed without the Environmental Assessment Act being involved.

**Dr. Lintner:** It wouldn’t. It’s clear that the Environmental Assessment Act still applies to any infrastructure that’s going to go ahead within a growth plan area.

My concern is that as environmental assessment is a planning tool to allow for the mitigation of impacts that are going to be imposed on the environment as a result of some project, I don’t want growth plans to indicate where that infrastructure is going to go without a process that allows us to decide whether or not we need that infrastructure and whether or not it has a rationale we believe in. If there are aspects of the plan that are being put in place without that kind of oversight, then I think it may lead to undesirable infrastructure or works projects.

**The Chair:** Thank you very much, Ms. Lintner, for your answers and your delegation today. We appreciate your being here.

#### ONTARIO HOME BUILDERS’ ASSOCIATION

**The Chair:** Our next delegation is the Ontario Home Builders’ Association, if they could come forward. Welcome. Thank you for being here. Could you identify yourself and the organization you speak for? When you begin, your 15 minutes will start. Should you leave any time at the end, we’ll be able to ask questions of your delegation.

**Mr. Victor Fiume:** Madam Chair and members of the committee, good afternoon. My name is Victor Fiume, and I am first vice-president of the Ontario Home Builders’ Association and chair of the land development committee. I have also served as president of the Durham Region Home Builders’ Association and I have been involved in the residential construction industry for a number of years. I’m a volunteer member in this association, and in addition to my business and personal responsibilities I’m dedicated to serving the residential construction industry.

I’ll start by telling you a little bit about OHBA. The Ontario Home Builders’ Association is the voice of the residential construction industry in Ontario. As a volunteer organization, the OHBA represents about 3,700 member companies that are organized into 30 local associations across the province. Together we produce

approximately 80% of the province’s new housing and renovate and maintain our existing housing stock.

Over the past several years, Ontario has generated tens of thousands of new jobs. Many of these jobs were created in the residential construction industry. It is estimated that Ontario’s new housing industry provided over 240,000 person-years of employment last year. Additionally, the new housing industry provides tens of thousands of indirect jobs off the actual construction site and generates economic activity in a variety of industries that support new housing.

OHBA supports in principle the government initiative to plan and manage growth across Ontario and in particular the greater Golden Horseshoe area. Given the tremendous growth challenges facing Ontario, OHBA supports a centralized infrastructure planning process and the development of a 10-year infrastructure strategy, as well as a strategy to divert 60% of our waste from landfills by 2008. Our members also support the use of crown land for renewable energy opportunities, as well as the establishment of the Greater Toronto Transportation Authority.

It is, however, my duty at this time to raise a number of concerns to this committee that our membership has with the proposed Places to Grow draft plan. OHBA does not believe the government has weighed or outlined the financial commitment to upgrading our aging infrastructure that is essential for this plan to work. Without a significant financial commitment from the province, this growth plan is doomed to fail.

We recommend that the province undertake a financial impact analysis of the growth plan on housing affordability and infrastructure replacement and/or upgrading, and undertake a process that focuses on the delivery of infrastructure and its financing.

Our membership is very concerned regarding the long-term consequences of this plan on our industry, new home buyers and, indeed, all the people of Ontario. With the key issue of financing in mind, OHBA also has several other concerns with the growth plan that I will now quickly address before taking your questions.

OHBA has great concerns that the growth plan is based on growth projections by Hemson Consulting and that the growth plan must conform to these projections. In our opinion, these projections are not true demand projections, but rather targets based on the policy of the growth plan. It is completely unacceptable that these projections be imposed without a peer review or any input from stakeholders.

We recommend that growth projections be modified by individual communities based on an overall scheme with stakeholder input.

A major concern with the growth plan is the lack of available land supply for intensification within existing built-up areas, fragmented land ownership patterns, compatibility with existing neighbourhoods and the impact of OMB hearings by local ratepayers. NIMBY, the not-in-my-backyard syndrome, is a major factor in the opposition of local residents in established neighbour-



hoods toward intensification. OHBA believes that this is the largest stumbling block toward the implementation of the Places to Grow plan.

Constructing infill and intensification projects is often a steep uphill battle for builders and developers due to a variety of hurdles, including NIMBYism and unsupportive municipal officials. If the draft growth plan is to succeed, the province needs to step in and ensure that NIMBYism does not derail intensification targets. We recommend that the province ensure that mechanisms are in place that will allow for intensification to occur.

1740

It has been stated by this government that intensification within built-up areas will make efficient use of existing infrastructure, and therefore it should be promoted before any greenfield development is even contemplated or allowed. We wish to point out that new infrastructure for greenfield development does not put additional pressure on the ability of governments to fund infrastructure, as the costs for these are borne by the residential construction industry. In fact, the pressure on the province and the municipalities is to invest in the repairs to existing infrastructure that have been neglected for decades and to bring it up to current standards and regulations.

From a transportation perspective, the objectives of using existing road infrastructure and minimizing our dependency on the automobile can be partially met.

While it is true that existing roads can be used, the amount of intensification may create a need for expanded road systems. In most cases, it is not possible to get extra land for more traffic lanes, and therefore the situation causes a strain on existing road infrastructure.

Intensification within existing boundaries would help in creating population densities that are more transit-friendly. However, in order to influence people to leave their cars at home, public transit will need to become much more efficient. Integrated transit will require a major financial investment by the province and municipalities in order to make it efficient to the point that it is a reasonable alternative to the convenience of "going where I want, when I want" provided by the automobile.

We recommend that the growth plan recognize a balanced growth strategy that allows for a choice in housing and requires that sufficient land be designated to allow both greenfield and redevelopment opportunities.

The draft plan provides some targets for intensification for new growth. One of the policies states: "Intensification areas will generally be planned to achieve a density of development that is not less than 200 residents and jobs per hectare." OHBA believes that this target is too aggressive and impractical to implement. Even townhouses would not fit into this target, since generally a townhouse project would provide approximately 110 residents per hectare. We recommend that growth plan targets for intensification of 200 residents and jobs per hectare be re-evaluated. The objective should be flexible for the different centres and the targets determined by individual communities.

We are strongly opposed to the province setting minimum affordable housing targets within the growth plan. OHBA believes that there is an obligation on the part of all citizens of Ontario, not just the new home buyer, to provide housing for the less fortunate members of our society. We recommend that the requirement for minimum affordable housing targets within the growth plan be deleted.

At this stage, we do not have a good idea as to the financial impacts of the proposed legislation. In order to evaluate the impact of the growth plan, we need to know the cost of all the proposals. The merits of intensification and planned growth, including the real costs associated with this plan, should be able to stand alone and withstand scrutiny. The pain of this plan will come from the increased cost to the new home buyer, the taxpayer and the economy of Ontario. We recommend that the growth plan be released in conjunction with the funding plan.

Members of the committee, let me conclude by stating that a 10-year review period is far too long for such an important piece of legislation and does not allow an opportunity for the government and the stakeholders to monitor the effectiveness of the plan and to make modifications if necessary. The growth plan mandates that only the Minister of Public Infrastructure Renewal can initiate an amendment to the growth plan and that a review would take place every 10 years. We recommend that the review period be reduced to five years.

Chair, members of the committee, I would like to thank you for your attention and your interest in our presentation. We are committed in our resolve to ensure that Ontario communities prosper and grow, and are prepared to work with competing factions within the stakeholders to arrive at a workable solution that will enhance the quality of life for all Ontarians.

**The Chair:** Thank you. Ms. Churley, you have two minutes.

**Ms. Churley:** I wanted to follow up on the affordable housing piece that you just mentioned. The government is not meeting its promise in the election campaign, and I really fear that if this is removed from this, it's going to make it even worse. I guess you feel it's not your responsibility, but how do you see your association working with government to ensure that as we build more housing—do you think it's just government's responsibility?

**Mr. Fiume:** Absolutely not. We feel it's everybody's responsibility.

**Ms. Churley:** So how would you fit into it?

**Mr. Fiume:** I think the premise of affordable housing—first of all, it's a social issue rather than a land use planning issue. As well, increasing taxes and fees and making houses more costly to build goes directly against the whole principle of affordable housing. All these fees and levies are imposed by different levels of government. On the one hand, we're imposing multiple taxes and levies and increasing them on a yearly basis; on the other hand, we're saying we're not able to build affordable housing. I think what needs to be done is that we look at



the financing of affordable housing spread across the province and the cost being borne by all the citizens of the province.

As a builder, I will build it if it makes sense for me to build it and if I can sell it or rent it. But at this point, it doesn't make financial sense. So until somebody steps up to the plate—

**Ms. Churley:** If I could expand on that quickly, then, and going through other areas of your presentation, Mr. Hudak asked a question earlier around carrots and sticks and the fact that one of the problems overall, in terms of, say, intensification is that if the carrots aren't there, then nothing is really going to happen. Would you agree that along with this bill there need to be more carrots to make sure that all these laudable goals are reached?

**Mr. Fiume:** Absolutely. The fact of the matter is, again, as builders and developers, we will build whatever our consumer will buy or rent.

**Ms. Churley:** So conservation, efficiency, all of those other goals we'd like to see—if you can gain something from it, you're happy to go along with it.

**Mr. Fiume:** If our purchaser will buy it, we will go along with it. But if this plan is going to increase the cost of housing significantly—our purchasers are already up against a wall. If they stop buying homes, how are you going to get them to intensify? It will not happen. To quote Field of Dreams, "If you build it, they will come."

**Ms. Churley:** "If you build it, they will come." I think that's bad sometimes.

**Mr. Fiume:** If the infrastructure is there and we're able to build and sell the homes, then we will do that.

**Ms. Churley:** It's interesting that you said that, because I agree that sometimes when you build it, they will come. If they build a highway in the greenbelt, you will come, won't you?

**Mr. Fiume:** Absolutely. The whole purpose of this growth plan is to ensure that the growth is managed and that our highways and transportation systems are aligned with the government ideals and the government goals. Put that road where you want to put it, and we will build it there.

**Ms. Churley:** You see? They will come. Thank you.

**The Chair:** Mr. Rinaldi.

**Mr. Rinaldi:** Thank you very much for being here today and for your association taking part in this consultation.

I just want to get something clear. Your presentation was basically to comment on the Places to Grow Act, which is in draft form right now for consultation. But prior to the consultation, I believe you made a statement that you're supportive of the present legislation we're trying to bring before the House to create areas for growth. Did I get that right?

**Mr. Fiume:** Absolutely. We certainly are in favour and supportive of the initiatives, but the devil is in the details.

**Mr. Rinaldi:** I want to follow up on one piece of the presentation on Places to Grow. You said that we need to have more consultation to make sure we get the plan that

you refer to here. We spoke to about 1,600 people specifically about the plan, and we had about 500 submissions. If you've reviewed that plan, what are some of the real harsh realities that you're having difficulty with? Because we did go out and talk to people. We've had a lot of these discussions. I know we have a very short time, but can you just tell us maybe one or two things where we missed the mark?

**1750**

**Mr. Fiume:** I attended many of those sessions and, thank you very much, it has taken up a considerable amount of our time.

First of all, there need to be meaningful consultations, but to try and comment on a piece of a puzzle where you don't know what the entire puzzle is going to look like is very, very difficult. The key component in this, in whether it succeeds or fails, is the funding initiatives. This is where this lacks completely. We don't know what's going to be available. If you're going to foist all this on the new home buyer, then we won't have to worry about it, because it will fail. We won't be selling homes, and you'll be destroying an industry.

However, if the province feels this is the way to go and the costs are shared by the entire province and the infrastructure dollars are there and the carrot is used—right now, we're using a carrot-and-stick approach without a carrot. So we absolutely need, in conjunction with this plan, the funding ideals by the government. That's really the problem with the plan. If we could achieve 200 people per hectare, great; we would do that. But how will we achieve it? The only way we're going to achieve it is if there's some government funding for transportation, for mass public transit, and improved roads for goods and services.

**The Chair:** Thank you. Mr. Hudak.

**Mr. Hudak:** Thanks very much for your presentation. I'm feeling, actually, getting near dinner, more carnivorous, so I'm going to talk about, "Where's the beef?" as opposed to carrots and sticks.

**Mr. Rinaldi:** I'm hungry.

**Mr. Fiume:** It provides a very different visual, does it not?

**Mr. Hudak:** No House duty tonight. I'm taking my wife out for a nice Italian dinner, Lou. So, yes, I'm feeling hungry.

They need some meat in this, and you were getting to that a little bit in terms of key investments in infrastructure, high-order transit, highways etc. Is there anything, top of mind, that you think should be high on the priority list? And secondly, if you truly want to create intensification projects, what do you actually need? What changes in tax policy, for example, would encourage builders to build intensification projects and consumers to choose them, instead of choosing to drive from further away so they can have a nice lawn and a garden?

**Mr. Fiume:** Certainly major funding for public transit to make it efficient. People are not going to take public transit if the first time they go out there it takes an hour to catch a bus or a train. So that infrastructure, that public



transit, needs to be there before somebody is going to move downtown.

In terms of local issues, first of all, each location, each community, should have the ability to decide what flavour their community will take. If it is high-rise, it may be workable in Toronto; it's not necessarily workable in downtown Oshawa, which is really what we're asking people to do in this plan.

In terms of the funding of individual projects, tax relief over 25 years is not going to do it. The fact of the matter is, if my purchaser is going to buy, I'm going to build. What's going to make my purchaser buy a townhouse that's fully intensified in downtown Oshawa versus buying something with a piece of terra firma around them? The fact of the matter is, it's going to be a cost issue to these people. How can we bring the cost of this housing down so that they can choose a one-acre parcel of land or they can choose a condominium in downtown Oshawa? Right now, they're going to take the piece of land, the single-family detached, because, all things being equal, it works out to the same price.

**Mr. Hudak:** Is there still time, Chair?

**The Chair:** About 15 seconds.

**Mr. Hudak:** The same price? Explain that. How can a condo cost the same price as a one-acre property?

**Mr. Fiume:** It's virtually the same price—not in Toronto necessarily, but in a lot of the suburbs they are very closely priced; they're very, very competitive. Why? Because condo builders need to be competitive, and so do single detached. That's what we do. We're in a competitive marketplace. That's why I say we will build any kind of built form that a consumer wants. We react to the marketplace.

**The Chair:** Thank you for being here today. We appreciate your coming.

#### CITY OF BURLINGTON

**The Chair:** Our next delegation is from the city of Burlington, Mayor MacIsaac. Welcome. Thank you very much for being here today. Before you begin, could you identify yourself and your title. You'll have 15 minutes, and hopefully you'll leave some time at the end where we can ask questions or make comments.

**Mr. Rob MacIsaac:** Let me begin by thanking you for the opportunity to provide some comments on this legislation. I am the mayor of Burlington. I'm also the chair of AMO's planning task force and the former chair of the Greenbelt Task Force, but just note that I'm really here speaking on my own behalf. I formerly chaired the Smart Growth sub-panel responsible for developing a strategic growth plan for central Ontario. Having worked in this area so much over the last few years, I really felt an obligation to come here today and say a couple of words, anyway. I'm not going to speak for that long.

At the outset, I just want to say I'm very supportive of this legislation. I think it's an important step forward for this province. From my perspective, our province really needs some new and sophisticated ways of managing

growth. We are in a dynamic and rapidly growing economy, but we are continuing to work with 30-plus-year-old systems for managing growth here in the Golden Horseshoe. No one has been doing big-picture planning growth management in the Golden Horseshoe. It's not that it's being done poorly; it's simply not being done.

I am convinced that continuing to grow in our current fashion will have profound negative impacts on our quality of life going forward. In 30 years, travelling in rush hour will take massively longer if we are going to follow business as usual. Populations in suburbs will have to travel huge distances just to satisfy their everyday requirements. Our urban area will cover a size about twice that of the current city of Toronto. Our air quality will decline. I think, ultimately, this will all have a serious negative impact on our economic competitiveness. So from my perspective, it's really important that we start growing smarter than we have been in the past.

I think that, as a society, Ontario hasn't been very strategic about managing growth for many years. We haven't been focusing enough on maximizing the benefits of growth and minimizing its impacts. Furthermore, I don't think we've been very good at recognizing the connectedness of things. We've taken a very balkanized approach to growth management. That's why I think what is being proposed here is really important.

Of course, I have some bias, but I believe the greenbelt was a very good first step in taking a big-picture regional approach to growth management. But it's only part of what needs to occur. I've been saying that if the greenbelt is the yin of smart growth, then growth management or Places to Grow is the yang. For the greenbelt to be really meaningful, it needs to be complemented by comprehensive growth management policies. I think this legislation will allow the province to take that strategic approach to growth management.

By linking where growth occurs to resource infrastructure, investment, environmental and social considerations on a macro scale, we have a much better opportunity to realize the tremendous capacity and potential that we have here in Ontario to build great cities, to build great communities. To fail to proceed with this jeopardizes that shared opportunity.

I think if we don't become more strategic, you will see anti-growth politicians elected at every level of government. Our constituents are suffering from the impacts of growth. Traffic congestion, smog, disappearing green spaces, hollowed-out downtowns, cities with no sense of place: Those are the attributes that growth conjures up in the minds of our constituents. I think if we continue with business as usual, ultimately, they will react at the ballot box. We really need to show people that growth is an opportunity for both creating wealth and enhancing community in our region. That means building new neighbourhoods in our cities that are great places to live. It means harnessing growth to bring us better amenities, a richer cultural fabric, a better standard of living. It means welcoming to and including new people in our commun-



ities who will add great ideas and energy to central Ontario.

We can use growth to retrofit existing and perhaps somewhat dysfunctional communities, suburban communities, to make them more livable, vibrant places, but we need someone to coordinate all of this, and this legislation is the first step. So I want to congratulate you on making this step forward.

I will end on one final note. While I think this is a very important piece to the puzzle—and I think this might resonate a little bit with what some of the other speakers have said—it can't be the end. The legislation and the resulting plans won't be of any use if we can't find the money to build the infrastructure to support all of this. This is critically important.

**1800**

If the province is venturing back into the city-building business, and that is going to take a sustained and significant investment in both soft and hard infrastructure, this is going to have to be accomplished in a variety of ways. There will need to be some direct provincial investment, but, as I understand OPPI said to you, we will also need tools for municipalities to help make it all happen and create this infrastructure.

Those are my comments, and I'd welcome any questions. Thank you.

**The Chair:** Great. You left three minutes for each party, beginning with Mr. Rinaldi.

**Mr. Rinaldi:** Thank you, Your Worship, for being here today. You've become a familiar face in this establishment. Thank you for all the work you did for the people of Ontario with all your portfolios. You've managed to help us along, all governments, I must say, with smart growth, and carry on. So I thank you for that.

You mentioned the fact that we need to move forward. I guess this is more of a comment. I think we're certainly going in that direction if this legislation is passed, and we hope to get support from all sides of the House to move forward.

I want to shift a little bit to the growth plan, because obviously you're supportive of the present legislation. What are some of the things that you see from the growth plan—even though that's not what we're here for today, but we keep on crossing it—that are priorities for municipalities, because they are really our partners in this? As a former municipal politician, I understand those municipal needs. You don't have to be specific, but could you give us some things where the municipality will need the help of the province to make this happen?

**Mr. MacIsaac:** From my perspective, transportation has to come first. That's what I hear most from my constituents. That's what's concerning them to the greatest extent.

My impression is that we are not ever going to be able to build enough roads to accommodate all the people who are coming. Frankly, public transit is going to be really key. I would encourage the province to think in big terms. We in this region deserve a world-class public transit system. I don't think it's just about adding on a

couple of more GO trains here or there. I really encourage you to think about what other great regions in the world have done. The people in this region deserve no less than what you see in Europe and in big cities in the United States. There's no reason why we in Ontario, Canada, can't achieve that same level of transportation infrastructure that will give people real choices about how they get around.

**Mr. Rinaldi:** Have I got more time?

**The Chair:** Fifty seconds.

**Mr. Rinaldi:** Oh, wow, that's great. I guess one of the things—it's more of a point, Madam Chair, and His Worship maybe will agree. I had the opportunity to travel a little bit in Ontario last year, plus within my own municipalities. I think we owe it to ourselves to see those municipalities being proactive in planning in the small sense: I see their downtowns full and vibrant, and then you go to the very next community and it's the total opposite. I think you would agree with me that this overall arching blanket that the province is moving toward, that regional upper-level planning, will bridge that. Would you say that's accurate?

**Mr. MacIsaac:** I would agree that we need to have some shared values about what our communities are going to look like going forward and that Places to Grow is an excellent start to Ontario enunciating some shared values about what our communities should look like. I totally agree with you that downtowns are such an important part of what makes towns and cities places that people can relate to and create a great quality of life for people.

I'll just put my mayor's hat back on for a moment and brag a little bit. We are investing in our waterfront, which is in our downtown, and we're seeing literally hundreds of millions of private sector dollars coming into our downtown because of our public sector investment. I think if we invest in our downtowns, we will see real dividends from it. That's certainly our experience.

**Mr. Hudak:** Thank you, Mayor MacIsaac, for the presentation. I don't know if you had a chance to look at this. How close would Burlington be today to the 40% intensification target, and what types of provincial tools will help a city like Burlington achieve that within the time frames the province is requesting?

**Mr. MacIsaac:** I can't tell you off the top of my head exactly the ratios that we're achieving across the city. I know in our downtown we're starting to achieve an approximation of the ratios that are being called for in the growth plan. Across the balance of the city there are still lots of opportunities that we have to get there.

If I needed to pick out one tool that I think would be really helpful, and it's one that I've seen hugely successful in the United States, I was actually in Chicago a couple of years ago and met with Mayor Daley down there, and he talked about tax increment financing, TIFs. He showed me a bunch of the projects that they've done in Chicago using TIFs. It's very exciting and it's a very practical tool that has allowed municipalities throughout the US to invest in very significant infrastructure and has resulted in intensification.



**Mr. Hudak:** In terms of particularly your area and to the west of the GTA, what transportation initiatives would be the highest priority to achieve the goals of the growth plan?

**Mr. MacIsaac:** In the short term, I would say we need to do everything we can to max out on GO train service. In the medium term, I think regular hourly GO train service should go to St. Catharines, should go to Niagara Falls. That's currently the 905 subway and it needs to be extended into Niagara, certainly through to Hamilton. That's underway now, but ultimately I would encourage the mayor of St. Catharines and the mayor of Niagara Falls to be pounding on the table saying, "We want that same service." I think it's critical for those communities and it will enhance the whole of the Golden Horseshoe.

Longer term, as I mentioned earlier, we've got to be looking at a world-class transportation system. I think of light rail, using hydro corridors throughout the whole of the region. Let's really think about a new paradigm for public transportation and invest in it.

**Mr. Hudak:** Any advice on financing of those models? Have you seen good models elsewhere that we could emulate?

**Mr. MacIsaac:** I'd have to say that I think GO Transit is probably one of the best cost—are you talking capital or operating?

**Mr. Hudak:** Capital, really, but both.

**Mr. MacIsaac:** GO Transit is about as good as it gets, I think, in the world maybe in terms of revenue to cost recovery ratios. It's a good question. A guy like Bob Onyschuk could probably give you a better answer than I. He's a lawyer and I think he's helped out several governments on capital financing tools.

**Ms. Churley:** Good afternoon, Your Worship. I just love all this talk about more public transportation. The more we hear about that, the better.

I wanted to ask you a bit more about higher intensification, because that certainly is a key to all of this. Some people talk about that dreaded word, NIMBYism. I guess the question would be—and I know that you can't give us all the answers—what kind of mechanisms are required, in your view, to bring about intensification, and do you have any examples of what you've had to deal with in Burlington or what you're going to be doing to deal with some of these very real problems that we have to accept and put on the table and talk about, the mechanisms we need to deal with them?

**Mr. MacIsaac:** Sure. I can give you a very recent example, because last week I was at a public meeting which had about 300 people attend for a 22-storey high-rise tower on our waterfront. It was in fact the second public meeting we'd had on it. The first one was just an absolute disaster.

**Ms. Churley:** I've been to some of those.

**Mr. MacIsaac:** The first proposal was 30 storeys. It was all steel and glass. The public amenities weren't very impressive. We sent the developer back and said, "You've got to do a better job." He came back with a 22-storey masonry condo on the lake with a beautiful piazza

at the ground level surrounded by restaurants, and there was a very positive reaction by our residents.

**1810**

The first thing I guess I would say is, look, people are going to need to see good-quality development. If we try to foist bad-quality development on them, they're not going to like it. We need to be building great cities, and that means attractive architecture and it means building streetscapes that people feel comfortable with.

I think the other thing is that there's going to be a real responsibility on us at the municipal level, but I would also extend it to you at the provincial level, to start connecting the dots for people. We need to engage people in these issues of growth and try to get them involved in the different choices there are for our communities. I might be naively optimistic, but my experience has been that when you really engage people in it and say, "Look, we've got a choice. We can either try to build great cities with a little bit more intensification, and maybe a lot more intensification, or we can continue building out on farmlands and destroying woodlots and whatever," people will come to the right answer. But it's a ton of work and it means getting out there and drawing them into the process, because their natural proclivity is to get the kids to soccer and get home and wash the dishes.

**Ms. Churley:** Sounds good to me. Thank you very much.

**The Chair:** Thank you, Mayor MacIsaac. We appreciate your being here today.

## EARTHROOTS

**The Chair:** Our last delegation is from Earthroots: Josh Matlow. Welcome. Best till last.

**Mr. Josh Matlow:** I'm delighted to wrap up the day for you.

**The Chair:** If you'd like to give your name for Hansard and the organization you speak for. You have 15 minutes when you do start.

**Mr. Matlow:** My name is Josh Matlow. I'm the campaign director of Earthroots. I'd like to thank the Chair and all the members of the committee for having me here today to speak to you. I'd like to speak specifically to the draft plan for the greater Golden Horseshoe and how it pertains to the bill.

Earthroots is an Ontario-based environmental advocacy organization founded in 1986 with a mandate to protect wilderness, wildlife and watersheds through research, education and action. Earthroots has been a leader in preserving green space in southern Ontario. Our organization and its members have been involved in working to protect the Oak Ridges moraine and the Niagara Escarpment since 1998. As a result, we have taken a keen interest in all of the provincial government's recent initiatives aimed at curbing urban sprawl in the greater Toronto area and throughout the greater Golden Horseshoe.



Earthroots contends that urban sprawl is the most critical challenge facing the greater Toronto area. The proliferation of low-density, automobile-oriented development over the past 30 years has transformed Toronto into a vast urban region. It stretches from Niagara to Clarington and from Lake Ontario up to Lake Simcoe. In the process, much of our area's green space and agricultural land has been paved over or severely degraded.

The problems arising from unbridled growth have been well documented. Historically, however, little has been done at all levels of government to truly tackle the problem. It is within this context that Earthroots welcomes the initiatives put forth by the Ministry of Public Infrastructure Renewal in the Places to Grow Act. Our organization believes that the provincial government is the only body capable of tackling urban sprawl throughout the greater Toronto region and greater Golden Horseshoe region, due to myopic planning decisions which are also sometimes made at the local level, and welcomes the province's return to the land use planning process.

Earthroots is encouraged that the province has adopted land use intensification, with the purpose of taking development pressure off greenfield sites and encouraging transit use as a goal for the residents of the entirety of the greater Golden Horseshoe. However, Earthroots contends that the province's efforts in this respect, while they merit support, must go further. We are anxious to see whether the government's next steps will take Ontarians on to a bus, rail or driving their cars on new highways, such as the mid-peninsula highway.

I would like to spend the next few minutes articulating Earthroots' response to the draft plan, citing sections of interest or concern to our organization for your information. I'll start with section 2.3, "Intensification and Compact Development."

Accessory apartments are an example of the many positive measures which are included in this plan that unfortunately do not have the regulatory teeth to see them through to fruition. Under previous provincial governments, citizens have been given tax write-offs or seed money to renovate basements or garages in order to provide accessory apartments. We would hope that this government would undertake similar steps to ensure that this beneficial component of the act bears the fruit of its intentions.

Section 2.3.2: The residential intensification targets in the act are 40% for both the inner and outer rings of the greater Golden Horseshoe. Earthroots has several reservations with regard to this policy. First, this target is far too low, as it will lead to 60% of new developments paving over green space and farmland. In comparison, the target in Vancouver is 70%; internationally, the target in the United Kingdom and in Sydney, Australia, are both 60%. The province's target is quite weak, considering that there is more than enough land within areas that are already designated for development to accommodate expected growth past 2031 at current growth rates, according to the ministry's own research. As well, Earth-

roots contends that it is unnecessary to have a phase-in time of 10 years for the intensification targets to be met. Given that there are numerous sites available within existing built-up areas for development, municipalities should not need 10 years to comply with this very modest target.

In part 6 of the section it reads, "Intensification areas will generally be planned to achieve a density of development that is not less than 200 residents and jobs per hectare." Earthroots is concerned that the inclusion of the word "generally" puts the policy in jeopardy. If the government wants to tackle sprawl, instituting half measures and relying on voluntary compliance are not necessarily the way forward.

Section 2.5.2: This section reads, "Major office development (generally defined as office development greater than 20,000 square feet) will be located in areas where higher-order transit services exist or are planned."

While Earthroots supports the location of major office developments close to higher-order transit services, we are concerned that the wording of this policy leaves too much room for interpretation. Instead of stating that major office developments are generally defined as being greater than 20,000 square feet, Earthroots recommends that the province, through consultation, set a minimum size in regard to what constitutes a major office development and then enforce its location close to higher-order transit.

The statement "or are planned" with regard to higher-order transit services is a loophole that Earthroots would like to see removed from the provision altogether. As I am sure anyone who is familiar with transit in Toronto will know, there was the fiasco with the Eglinton subway line that never saw the light of day, yet saw many holes dug into the ground, and the ongoing saga over whether or not we're going to have the York University extension. There have been many transportation services that have been planned but have not come through to fruition. A stipulation that is more in tune with the transit planning process is clearly needed in this instance.

Section 2.6.2: According to the draft plan, the province proposes to have a minimum density requirement of 50 residents or jobs per hectare in the inner ring and 40 in the outer ring. This figure is simply not high enough to change the unsustainable pattern of development and the resulting travel choices that have plagued our region for the past several decades. According to numerous academic experts, transit-supportive developments require a minimum of 55 persons per hectare in residential areas and 70 employees per hectare in commercial centres. These figures double for higher-order transit services such as rail, which the draft plan explicitly supports.

The High Park area of Toronto, largely considered to be one of the more desirable areas in the GTA to live in, has 80 people per hectare. Higher densities are needed to conserve the GTA's remaining green space and make public transit a viable option for commuters. Decisions at the municipal level should be made with respect to neighbourhood and community needs, in consultation



with local ratepayers' associations and other community representatives.

Section 3.2.2: The plan states that municipalities must "include explicit targets for reducing the proportion of travel by car, and increase year over year the proportion of trips made on foot, bicycle and public transit." Earthroots is concerned that this important initiative to steer Ontarians toward sustainable transportation options may be unevenly implemented across the province. Every citizen across Ontario should be encouraged to make the responsible choice in every region, city, town and village.

#### 1820

Section 3.2.4 states that the greater Golden Horseshoe requires an expansion of the current and future highway networks. Highways are the infrastructure for urban sprawl. One can't talk about curbing sprawl while building new highways at the same time. Highways disrupt wildlife corridors, add to air pollution in the GTA, and further facilitate urban sprawl. It has been demonstrated time after time that, in the long run, additional highway capacity does not relieve congestion; it just causes more people to opt to drive, thereby increasing the total number of cars on the road and resulting in the same amount of traffic delays experienced previous to the additional highway capacity. If the goal of the act is to promote public transit, as it is stated, the province is shooting itself in the foot by adding new highways, as this addition will only make driving more attractive.

Earthroots is concerned about the contradictions between the laudable goals contained in the province's act and current initiatives underway in southern Ontario. The MTO just finished public consultations on the mid-peninsula highway. It is unacceptable for a major highway to be going through an approvals process while an overarching growth plan for the region that should direct these sorts of decisions is still in the consultation process. Earthroots recommends a moratorium on all new highway development and expansion, at least until the province's growth plan has been finalized. This would be a responsible approach.

Section 6.8.1: Earthroots is encouraged that the province will devise a set of indicators to monitor the implementation and achievement of the growth plan. This is a crucial component of the plan and should be given a great deal of weight when the final legislation is drafted. Earthroots recommends that the province consult knowledgeable stakeholders, such as the Toronto-based Neptis Foundation, in choosing relevant indicators. Earthroots also recommends that the results of the ongoing monitoring process be shared with the public in an easily accessible manner.

Section 8.3: Finally, this last section of the plan deals with strategies for educating the public about growth management and, more specifically, the impact that Ontarians' decisions have about where they live, what they live in and how they get to work—how it affects the environment around them. This is one of the most important aspects of the bill. Recent studies have shown

that changing public perception toward car use and dwelling type can be an effective tool, in tandem with regulation, for achieving sustainable communities. Earthroots is very encouraged by the inclusion of these provisions in the plan, and offers its expertise in public education campaigns to the province.

There's been a great deal of talk in recent years that the greater Golden Horseshoe is at a crossroads with respect to growth patterns. Many have asserted that we can either choose to continue expanding in an unsustainable direction that has been the norm for the past 30 years or to put policies in place that favour compact, mixed-use, transit-friendly development.

Earthroots contends that the evidence, much of it supplied by the Ministry of Public Infrastructure Renewal, suggests that the crossroads stage was reached at least a decade ago, and we are possibly now in a crisis situation. The city of Toronto's department of public health attributes over 1,000 deaths per year to smog in the city of Toronto alone, while countless others suffer from respiratory problems such as asthma.

Highways and other development have bisected wildlife corridors, resulting in habitat destruction for numerous animals, yet they continue to be approved. Ecologically sensitive areas have been paved over in favour of new subdivisions, compromising source water areas and biodiversity as a whole in the greater Golden Horseshoe.

The problems arising from urban sprawl have been well documented by government, academic and environmental institutions, yet every year more and more green space continues to be paved over to build sprawling communities which we know are unsustainable.

Ontario needs a strong and dynamic legislation to stem the tide of unbridled development in the greater Golden Horseshoe. While Earthroots supports the Places to Grow Act, we believe that it is generally underwhelming and suggestive.

Earthroots acknowledges that the government has opponents of this plan that will say that individuals have the right to choose where they want to live. Earthroots does not disagree with them. However, we believe that the social and environmental rights of all Ontarians should come first. The public expects government to ensure that they have clean air and water, access to green space and certainly to be able to get to their destination in a timely manner.

**The Chair:** You've left about 40 seconds each, beginning with Mr. Hudak.

**Mr. Hudak:** Thanks for the presentation. On the last point you talked about, people and their choice of where to live, people are increasingly choosing to live in the suburbs, particularly young families. So if you want to change that behaviour, how do you do so? Do you just eliminate the supply? Do you give incentives to them to live in downtown areas? How can you actually change what's been a cultural phenomenon for a long time?

**Mr. Matlow:** Certainly, the more that the public becomes aware of the health risks, the environmental reper-



cussions of their actions, I think the more and more people will make responsible choices about where they want to live and, hopefully, the demand will go down as the public is aware of what the repercussions are of their choices.

As well, the government, the province, certainly has a role to play in making sure that areas that are ecologically sensitive, agricultural lands that will sustain Ontario into the future, have real protection and genuine protection so that it really isn't even a choice. People want to live in suburbia, and I understand why they do, but there are ways to do it well and intensified that will be able to be viable financially to support public transportation and recreational facilities and other facilities that are part of a community's infrastructure.

**Ms. Churley:** Josh, that was a fantastic presentation. Thank you. I agreed with pretty well every word you said; so therefore, of course, I did find it fantastic.

**Mr. Matlow:** I appreciate it. Thank you.

**Ms. Churley:** Thank you for all the good work you did in critiquing this. Hopefully, we can get some amendments through based on yours and others' suggestions today.

**Mr. Matlow:** That's very kind of you to say. Thank you, Marilyn.

**Ms. Churley:** You're welcome.

**The Chair:** Mr. Matlow, before I go to the government side, are you able to put in a written submission?

**Mr. Matlow:** I'd be happy to.

**The Chair:** The researcher would be grateful if you did.

**Mr. Matlow:** I'd be delighted to, yes.

**The Chair:** Thank you.

**Mr. Rinaldi:** Thank you, Mr. Matlow. It's great to see you again. Just a quick comment, because your presentation was mostly based on the greater Golden Horseshoe plan. I hope you had the opportunity—and I'm sure you have—to submit comments to the growth plan under the draft format so that our ministry could certainly—

**Mr. Matlow:** I appreciate that and while we have genuine criticisms, we want to find a solution. You're the window to do this right, and what we want to do is make sure that you take advantage of this opportunity and be the best you can be.

**The Chair:** Thank you, Mr. Matlow, for your constructive suggestions.

Committee, this brings us to the closing of our hearings for the day. I'd like to thank all our witnesses and all of our MPPs and ministry staff for their participation and their enthusiasm. The committee is adjourned until 3:30 p.m. on Monday, April 25, in this room.

*The committee adjourned at 1827.*







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## Legislative Assembly of Ontario

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## Assemblée législative de l'Ontario

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# Official Report of Debates (Hansard)

Monday 25 April 2005

# Journal des débats (Hansard)

Lundi 25 avril 2005

Standing committee on  
general government

Places to Grow Act, 2005

Comité permanent des  
affaires gouvernementales

Loi de 2005 sur  
les zones de croissance



Chair: Linda Jeffrey  
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## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GENERAL GOVERNMENTCOMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES

Monday 25 April 2005

Lundi 25 avril 2005

*The committee met at 1536 in room 151.*

## PLACES TO GROW ACT, 2005

LOI DE 2005 SUR  
LES ZONES DE CROISSANCE

Consideration of Bill 136, An Act respecting the establishment of growth plan areas and growth plans /  
Projet de loi 136, Loi sur l'établissement de zones de croissance planifiée et de plans de croissance.

**The Chair (Mrs. Linda Jeffrey):** Good afternoon. The standing committee on general government is called to order. We're here today to begin the third day of public hearings on Bill 136, An Act respecting the establishment of growth plan areas and growth plans.

I'd just like to bring to the committee's attention that our 4 o'clock and 4:15 presenters, being the Toronto Environmental Alliance and Cecil Bovaird, have both cancelled. So those two delegations won't be appearing.

## CITY OF BRAMPTON

**The Chair:** Could I ask Mr. John Corbett from the city of Brampton to come forward, please. Welcome. Could you identify yourself, and the group you're speaking for, for Hansard? You'll have 15 minutes to speak. Once you've finished, if you leave time, there will be an opportunity to ask questions or make comments on your delegation by all three parties.

**Mr. John Corbett:** Good afternoon. My name is John Corbett, commissioner of planning, design and development for the city of Brampton. With me is Deborah Reader, executive assistant to the city manager. We're here representing the city of Brampton's position on the growth plan legislation.

We have left with you today a copy of our presentation in colour format, and in addition to that, a copy of our staff report as approved by city council.

I'm going to begin by providing some basic context for the city of Brampton, relative to its growth position in the Golden Horseshoe.

First of all, I'd like to point out that Brampton has experienced the highest rate of growth among Canada's 25 largest cities and has the third-largest population in the greater Toronto area. It also has one of the highest transit-supportive densities, as we have proactively tried to meet sound planning objectives as we have ex-

perienced our high growth rates. In terms of those growth rates, our population is expected to grow from 380,000 today to almost 700,000 by the year 2031.

Just to give you a snapshot of the type of growth we've experienced, between 1996 and 2001 the city of Brampton averaged approximately 3,500 residential permits annually. In the last three years, we have experienced a much more rapid rate of growth, averaging 6,500 units between 2002 and 2003, and then last year we experienced a very large building boom with almost 10,000 residential permits issued. So the market pressures bringing to bear are having an impact on Brampton in terms of its growth rate.

To deal with this growth rate, we haven't been standing on the sidelines. We've been proactive in terms of adopting and implementing a growth management program that we believe is the first of its kind in Ontario. Our council has recently adopted a program considering a cap on growth to manage it in a logical, sequential and reasonable way.

We have adopted a transit master plan to reinforce our transit initiatives in the city of Brampton over the 30-year planning period. We have been mindful of the environment, with a stewardship strategy. Along with that, we've also adopted a capital works budget that works together with other service providers, such as the province and the region, to make sure infrastructure is advanced as quickly as possible to meet the needs of growth.

In summary, our position on the growth plan legislation is that we are very supportive of the overall goals and objectives of the growth plan. We believe that a strong growth and infrastructure plan is needed to support the prescribed levels of growth being experienced in Brampton and other areas of the Golden Horseshoe. However, provincial commitment to infrastructure dollars and changes to the Development Charges Act are essential to fund growth. Our experience over the last few years has been that it's very difficult to fund the impacts of growth because of specific shortfalls and development charges that are accruing to the city.

Finally, and most importantly, related to the growth plan itself, we strongly believe that local councils should be assigned the responsibility of implementing the growth plan, especially urban boundary expansions. This is especially the case where a local municipality such as Brampton has already engaged in a long-standing process to include more lands within its urban boundaries. I'll get into that more in a few minutes.



Our specific area of concern is that the bill requires additional transition provisions to allow urban boundary expansion to occur where there has already been a completed or substantially completed process. In other words, we're looking for a grandfathering type of policy where it's deemed appropriate. Brampton's urban boundary review had actually commenced, and the regional official plan amendment application to the region of Peel had been filed before Bill 136 and the growth plan's coming into effect.

Why urban boundary expansion in Brampton? The city council in Brampton has decided to take a strong position in terms of its destiny as an urban centre in the northwest part of the GTA. In point of fact, this initiative goes back to March 2000, when Brampton advanced its official plan review program.

Northwest Brampton is 6,000 acres located in the extreme northwest reaches of the city of Brampton. You'll see on page 4 of my presentation a map identifying the location. The unique attributes of this area particularly relate to its being centred on the development of a transit-oriented smart growth community around the Mount Pleasant GO station, which the province was of great help implementing and which opened very recently. We have been working very progressively toward developing a unique transit-oriented community with higher densities and mixed-use densities, live-work relationships and employment uses, which I think will be an example for the whole province in terms of how smart planning, smart growth and transit-oriented development can occur.

To accomplish the approval process, we had to conform to certain regional official plan policies. There were a number of stage 1 and stage 2 detailed technical studies required to justify the lands' coming into the urban boundary. These were related to residential/employment, shale assessment, transportation infrastructure, environment/open space, agriculture, and municipal finance and servicing, as well as a specific study dealing with the north-south transportation corridor that would link the city's west end with the Highway 407-401 freeway corridor.

The findings of the study were very supportive of urban boundary expansion. There were no high-level environmental constraints, and there was no impact on agricultural lands. The ultimate transportation/transit network identified was sufficient to serve long-term growth. There was available water and waste water infrastructure through the region of Peel jurisdiction. The impacts on municipal and regional finances were not prohibitive of urban boundary expansion. We've also identified that there were substantial quantities of shale resources found elsewhere in the province, and it was not necessary to provide any long-term protection for shale in northwest Brampton.

Brampton intends to adopt its final official plan amendment with respect to northwest Brampton on June 27 year as a culmination of the studies and many public meetings held over the past five years.

One of the key facts that I think needs to be considered is that Brampton runs out of urban land by the year 2018. According to the Hemson projections that were done as part of the growth plan initiative and as part of our own strategic growth plan program, an additional 100,000 people forecast in Peel region can't be accommodated within that urban boundary. So there is a need for another supply of urban boundary to take us into the future. As I stated earlier, this area has the unique infrastructure, in terms of the new Mount Pleasant GO station, to really make an example of good growth. Northwest Brampton will not be developed on the premise of traditional suburban development models. It will be done based on higher densities and mixed-use working relationships in order to provide a very effective, efficient model for growth. Significant public funds and resources have already gone into this exercise, and I think it deserves to be recognized within the growth plan on that basis.

One other area of comment that we'd like to make on Bill 136 beyond the northwest Brampton issue is that we believe the review period, once the plan is adopted, should be five years, to correspond to mandatory official plan reviews, as currently provided for under the Planning Act of Ontario.

That concludes my comments, Madam Chair.

**The Chair:** You've left about two minutes for each party, beginning with Ms. Churley.

**Ms. Marilyn Churley (Toronto-Danforth):** Thank you very much for your presentation. It's a good overview of what's happening in your area. What kind of resources do you feel you need to be able to comply with this and all the other acts that are coming before your municipality? I'll give the example of brownfields and the ability to use those fields for development—things like that.

**Mr. Corbett:** We've got a central, downtown planning priority area that we've designated to accommodate intensification. We also believe that to meet the full range of housing demands, to meet all income levels and housing preference styles, there needs to be an effective balance. Once a municipality has demonstrated that it has provided the opportunities for intensification in abundance, then a logical expansion into greenfields, where you're showing an emphasis on transit-oriented development, is critical.

**Ms. Churley:** Do you have brownfields that you can develop as well?

**Mr. Corbett:** Yes, we have a seven-kilometre stretch in the centre of Brampton as one of the priority growth centres designated in the growth plan, and a balance of the Queen Street corridor that extends into the old community of Bramalea. It all has been designated for higher-density, mixed-use development. We have also established what we call the AcceleRide bus rapid transit system to provide key linkages into York region and south into Mississauga to stimulate and support that growth.

**The Chair:** Mr. Rinaldi?



**Mr. Lou Rinaldi (Northumberland):** Thank you very much for your presentation and for bringing forward some of your concerns. I have a couple of questions. I'm not sure what page it is on in your presentation, but I'll paraphrase and maybe you could explain it. Basically, you're saying that your official plan review has been finalized and has come into effect, and that Bill 136 should not interfere with it. Can you tell us why? Would it create any problems, based on what you see in the bill before us?

**Mr. Corbett:** I'll use the term, probably inaccurately from a legal perspective, but it's almost in terms of natural justice, in that we proceeded in 2000 to conform to the very rigorous criteria contained in the regional official plan to substantiate urban growth. We took on the due diligence to do that properly in an orderly and responsible fashion and have, basically through a collision of time circumstances, run into the deadlines imposed by the new growth plan. The technical basis for the urban boundary expansion is clear and irrefutable, in our view, and should be allowed to proceed, especially in light of the fact that the numbers prove there is not sufficient land to accommodate growth in Brampton beyond 2018.

**Mr. Rinaldi:** Just to be clear, the plan would not allow you further boundary expansion. That's your concern?

**Mr. Corbett:** Our understanding of the growth plan is quite clear in that any further urban boundary expansion would be subject to the sub-area growth strategies, the SAGs, as they're called, and that's going to be done as a separate exercise, with no definite timeline or indication of municipal involvement. That's really key. One of the things we've tried to bring out in our staff report and our presentation is that local council should have a strong say in determining their future, in terms of urban boundary and disposition of land uses. Ergo, we believe that after taking on that process in good faith over the last five years and doing our technical homework, that should be fully respected in the growth plan process.

Thank you, Madam Chair.

**The Chair:** Thank you, Mr. Corbett. Thank you for your delegation.

1550

### GREENBELT COALITION

**The Chair:** Our next delegation is the Greenbelt Coalition. Welcome, gentlemen. Once you get yourselves settled, please identify yourselves for Hansard. When you begin, you will have 15 minutes. I will begin timing your delegation after you have introduced yourselves. Should you leave time at the end, there will be an opportunity for us to ask questions or make comments on your delegation.

**Mr. Ralph Capocci:** Good afternoon. My name is Ralph Capocci. I'm the executive director of the Greenbelt Coalition. Joining me this afternoon is Dr. Frank Clayton, president of Clayton Research and the chair of our advisory council. Also joining us is Tom Hilditch, the

principal of Stantec Consulting, who will be here to answer any questions that you have of an environmental nature.

The Greenbelt Coalition is pleased to have this opportunity to express our views on Bill 136, An Act respecting the establishment of growth plan areas and growth plans, to the standing committee on general government.

The Greenbelt Coalition is a group of concerned citizens and organizations who share the belief that there is room for improvement in the government's greenbelt legislation. Although the greenbelt is the coalition's main concern, the Greenbelt Act and the proposed Bill 136 are complementary bills that will significantly impact each other. The Greenbelt Coalition believes that the greenbelt should demonstrate where growth cannot occur, while Places to Grow should demonstrate how and where growth should occur.

There is an ongoing concern that, because of the provincial initiatives, housing prices will increase, making housing unaffordable to many households. Bill 136 has laudable goals yet is fundamentally lacking details of how these goals will be achieved other than through the strong arm of the provincial government overriding the rights of landowners and municipalities.

The Greenbelt Coalition believes that the government has provided the stick without the carrot: No financial resources and tools are enabled under the bill to aid with intensification, smart growth, transportation and infrastructure needs.

The Greenbelt Coalition, along with its members, would like to work with the minister in helping to get the legislation right. Experts in a number of fields are prepared to assist in this important work. We believe that our combined efforts could yield legislation that could be beneficial to future generations of Ontarians, with a balance between economic, social and environmental issues.

The Greenbelt Coalition recommends that, prior to its passage, Bill 136 should be amended as follows:

(1) Amend the bill to provide checks and balances on the unbridled power of the minister and cabinet.

(2) Remove section 15 and subsection 16(1), which hammer individual rights with a steel fist.

(3) Evaluate, state and commit the financial tools that will be available for brownfield redevelopment.

(4) Evaluate, state and commit to the financial and implementation tools that will be available for greyfield redevelopment.

(5) The financial tools for urban intensification must be clearly defined, and stated, to ensure that intensification goals can be met.

(6) The government must provide an economic assessment of the effect that the greenbelt and Places to Grow will have on the cost of housing.

(7) Supply and demand models for both employment lands and new ground-related housing lands should be generated to ensure that there is sufficient land available in the appropriate locations.



(8) All growth plans must take into account a transportation plan, and financing for implementation, to ensure that public transportation will be more of a viable alternative to the private automobile.

(9) Bill 136 must commit to the use of all existing infrastructure within the designated growth area. The government, within Bill 136, must ensure that growth plans contain funding commitments to regions expected to meet growth targets.

The need for a stronger plan:

The Greenbelt Coalition is concerned about the relationship between growth management and the greenbelt. Much like the Greenbelt Act, Bill 136 is filled with promises that, even as they are spoken, are made to be broken.

The Greenbelt Coalition has many concerns regarding the effectiveness of the bill. We are concerned about the lack of financial tools and resources available to aid with future development. We are concerned that there will be inadequate resources and tools available to implement policy initiatives aimed at increasing densities. Local opposition and the high costs associated with intensification make densification, to the extent envisioned, impossible to achieve. We are concerned about future housing prices, and we are concerned about a sufficient supply of future employment lands. Moreover, we are concerned about the interaction and contradictions between the Golden Horseshoe greenbelt and Places to Grow.

Neither this draft legislation, nor the draft plan, provides enough detail as to how stakeholders will meet the goals set out in this plan.

Problems with the current bill:

There's too much power in the hands of too few. Bill 136 invests too much power in the hands of the minister and cabinet. The Greenbelt Coalition submits that this is not appropriate. The bill requires amendments to provide checks and balances against the exercise of such strong powers so that municipalities, stakeholders and private interests can have legitimate impact and be protected from abuse.

Recommendation 1: Amend the bill to provide checks and balances on the unbridled power of the minister and cabinet.

What kind of society do we believe in? Bill 136 sacrifices all individual rights in favour of the growth plan. Section 15 and subsection 16 (1) strip, from individuals affected by the growth plan, all of the rights of appeal, access to the courts, protection of the Statutory Powers Procedure Act, and even the right to make a claim in expropriation. This does not reflect the societal values that Ontarians stand for. An initiative such as Places to Grow, which is intended to be in society's general interests, should not be at the cost of individual rights.

Recommendation 2: Remove section 15 and subsection 16(1), which hammer individual rights with a steel fist.

At this point, I'd like to turn it to our chair, Dr. Frank Clayton.

**Dr. Frank Clayton:** How much do we have left?

**The Chair:** Eight minutes.

**Dr. Clayton:** I would just like to make a couple of comments. I'm an economist. I've lived in Toronto since 1971 and have practised urban and real estate economics since that time.

I'm quite convinced that the combined effect of the greenbelt legislation and some other things and Places To Grow will be an escalation in house prices and in industrial land prices, and I'll be glad to elaborate on why I believe that is the case.

I would like to draw attention to what I regard as a fairly significant flaw in the methodology for the projections that underlie the Places To Grow Act. The act, or the background paper, relies on the compact scenario of growth projected by Hemson. Hemson projected something called current trends—if you don't do anything, here's what the world is going to look like—and then they have a compact scenario. The difference between the two scenarios is essentially 76,000 fewer single detached housing units. That's the big difference: 76,000 fewer single detached housing units. The scenario says that all these people are going to live in apartments, not single detached houses. It also says that there are two separate housing markets in the region. One is the GTA and Hamilton, and the other is the outer ring, and they will never meet. So these projections say that if you take 76,000 single detached housing units out of the demand—there's only one way you can do it: have less land and increase prices—none of that growth will occur in the outer ring, will occur outside the greenbelt.

Well, that is faulty, in my humble opinion. A lot of that growth—people will want single detached houses; they will just go farther afield, like they did in the 1980s, to get it.

I would like you to take a close look at it. There are not two separate housing markets out there. There's not a GTA-Hamilton housing market and an outer ring housing market. They are all part of the same housing market, and you've got to recognize that doing something here is going to influence what goes on out there. What it really means is that there's going to be more growth in the outer ring than the projections indicate.

With that, we'll open it for questions.

1600

**The Chair:** You've left just over two minutes for each party, beginning with the government side.

**Mr. Rinaldi:** Thank you very much for your presentation today. I wonder if you could elaborate somewhat for me. An objective of the proposed legislation is to make efficient use of infrastructure. In your opinion, what criteria should the province use to make infrastructure investment to support this type of growth? That's the intent of the bill.

**Dr. Clayton:** Sorry. What was the second part? I missed it.

**Mr. Rinaldi:** I'm really asking for your opinion, because you keep on saying that what we have here doesn't fit the picture. I'm asking your opinion. To go forward on



intensification and create sustainable infrastructure investment, what criteria should the province use to achieve its goals?

**Dr. Clayton:** The criteria, of course, is efficient use of infrastructure to keep your costs as low as possible and get as many economic benefits as possible from your infrastructure. What you have to realize is that, with the exception of transit and some of the expressways, most of the infrastructure is already in place. We need to expand in places like south Simcoe and so on, but basically you want to keep growth in areas contiguous to where other growth is. This is what we're talking about: sprawl, if you allow some area way, way out to grow. You want to keep it contiguous and you want to build on what you already have. For example, if Durham region has infrastructure on the west side of Durham region, make effective use of that infrastructure.

**Mr. Rinaldi:** Do I have more time, Madam Chair?

**The Chair:** You have 40 seconds.

**Mr. Rinaldi:** Then I'm really confused, because I believe that's what the legislation is trying to provide: a guide to achieve what you just said. What am I missing here?

**Dr. Clayton:** The legislation is trying to tamper with the kind of housing market that people want. They're saying that 76,000 households will not be allowed to have a single detached house. That's what the legislation is saying: "We're going to stick you in apartments in brownfields and intensification and in greyfields, and you're going to like it." But the world doesn't operate that way. The world operates just like in the 1980s: People jumped to Barrie, went to St. Catharines and went to Darlington to get single detached houses, and they'll do the same thing this time. The ideas are great—yes, do it—but they're missing the effects of what's going to happen when they do what they're trying to do with all this intensification. The world needs a lot more greenfield lands than are being considered in this plan.

**Mr. Tim Hudak (Erie-Lincoln):** Thanks, gentlemen from the Greenbelt Coalition, for the presentation. I sometimes feel like a heretic on this committee. I think a fundamental policy we should support is encouraging home ownership, that people would have their own private property. I think this is a good economic policy. I also think that we have hundreds of years of culture where people like to have a bit of space. The assumptions that Mr. Clayton mentioned may be fallacious, in that I don't think everybody is going to want to move into apartments. People are still going to want to have a home and a yard and a garden, and you'll see that growth on the outer fringes, unless you stop them from doing that by making them poor, making them wait longer for transportation and that sort of thing. Have you quantified the impacts of this legislation without some planning for outer-ring growth?

**Dr. Clayton:** Some work I did previously suggests, to my mind, that prices will rise about 3% more than what they otherwise would as the supply of land gets dried up. So over a period of about 10 years, you'll have house

prices, in real terms, probably about a third more than they otherwise would be. If you're going to take people out of single detached houses, there's only one way to do it: increase prices and you force them out and into something else, into apartments, or you force them farther out. But you're right. The demographics are right in those age groups where people want home ownership. Not everybody wants low-density, single detached houses, but a lot more than want apartments. There's no question about it.

**Mr. Hudak:** In terms of investments in transportation infrastructure, transit is important, but highways will also be important. Have you looked into advice to the government as to which of those types of projects or where that balance should be made most appropriately?

**Dr. Clayton:** You need both, but where we have a shortfall over the last 20 years is on transit. Our transit system has been starved, no question, but don't stop roads and expressways because you're going to have more emphasis on transit. Toronto is growing. The projections show 45,000 housing units a year in the Toronto area, 50,000 jobs per year. We've got to have land for the jobs. We've got to have land for the low-density housing to accommodate. You need both types of transit, not one or the other. You need both, but a greater priority on transit right now because we've starved the system.

**Mr. Hudak:** Any particular types of transit?

**The Chair:** You have about five seconds to answer that one.

**Dr. Clayton:** OK. I personally am a great believer in extending the subway as a spine of the system outside the city of Toronto.

**The Chair:** Thank you. Ms. Churley?

**Ms. Churley:** Thank you very much for your presentation. Of course, people don't want their kids to continue choking on bad air and smog as well. That's another reality, as is sitting for hours in their cars trying to get to work.

But one of the problems, I think, with your financial analysis is not looking at the externalities of the cost of sprawl. Sprawl is only affordable because of taxpayer subsidies. During the greenbelt hearings, we heard from experts, including some developers, who put the premium paid for sprawl by municipalities at between 12% and 30%. In other words, existing taxpayers are underwriting some of the costs of sprawl once you figure in all of those externalities I'm talking about: the services, the infrastructure and stuff. I think your analysis here is really flawed if you don't take that into account.

**Dr. Clayton:** My analyses take that into account. With the Development Charges Act that we have in this province, growth pays its own way.

**Ms. Churley:** But this is on top of the development charges.

**Dr. Clayton:** There's only one place that growth is not paying its own way today, and that's in transit, because the Development Charges Act is based on a historical service level, and transit is not in that historical service level. That's the only place. Any place else—you



know, do a study. You just had Brampton here today. Brampton has done studies that show that residential growth and industrial growth of the type that Brampton is getting more than pays its own way. Their own studies by the Hemson consulting group show that. So growth does more than pay its own way. One place it doesn't is transit right now, and that's where the province should be putting its money.

**Ms. Churley:** There are other studies that show what you're saying just isn't correct. I think it's something that we have to put on the table. Perhaps you can provide more information, but I can also provide the studies that show the tremendous subsidization of sprawl. Think about it. The kind of extraordinary services that have to be put in to allow for that kind of sprawl are covered by taxpayers on top of the development charges.

**Dr. Clayton:** Sorry. It is basically covered through the Development Charges Act. I'll be glad to—

**The Chair:** You're going to have to agree to disagree, I think, at this point.

**Dr. Clayton:** I'll be glad to give you the reference to the Hemson study in Brampton, which shows—

**Ms. Churley:** OK. I can provide you with some of the references I have as well.

**Dr. Clayton:** Neptis, I know. I've read their studies. I'm familiar with them.

**The Chair:** Thank you very much, gentlemen. We appreciate your being here today.

Our next delegation, I believe, is not here. The Toronto Environmental Alliance cancelled today. Cecil Bovaird also cancelled today. He's not here.

#### CITY OF HAMILTON

**The Chair:** Would the city of Hamilton be here?

**Mr. Larry Di Ianni:** The city of Hamilton is here.

**The Chair:** Wonderful. Thank you very much. We appreciate you appearing earlier on our agenda than you may have planned for. Welcome. Please identify yourself and the group that you speak for. When you do begin, you'll have 15 minutes. Should you leave time at the end, we'll be able to ask questions or make comments on your delegation.

**Mr. Di Ianni:** Thank you, Madam Chair and members of the committee. My name is Larry Di Ianni. I'm the mayor of the city of Hamilton. With me is Steve Robichaud, who's the manager of our growth-related process. I'll explain that in a little more detail with my presentation. Thank you for allowing us to make the presentation. I was really interested in the comments that Frank Clayton had to make and I'll perhaps touch on some of those as well this afternoon.

Bill 136 complements what we have been doing in Hamilton since amalgamation in 2001. In my presentation today, I'd like to cover how Hamilton has been planning for unprecedented growth as per provincial projections and how Bill 136 complements this growth, and I would like to provide input that we in Hamilton feel will improve this legislation.

First of all, the city recognized the importance of an integrated planning process that brings together land use planning, infrastructure planning, economic development and social development in a comprehensive fashion. Bill 136 also recognizes the importance of an integrated and comprehensive planning process.

#### 1610

Your work thus far complements what we have already been doing in Hamilton with our growth-related integrated development strategy—what we call GRIDS—of which Steve is the manager. GRIDS will identify a growth strategy based on the principles of community well-being, economic well-being and ecological well-being, much the same way that Bill 136 does.

My comments today are on Bill 136 and not the plan; we have sent comments separately for that. What I'd like to do is focus on the three themes of community, ecological and economic well-being as they relate to building stronger communities specifically for my city in Hamilton.

In Hamilton, we're already seeing extraordinary residential growth. In fact, in 2004, housing starts were up 46% over 2003. This housing boom is not restricted just to new neighbourhoods, although overwhelmingly so, but in fact our downtown core is undergoing a bit of a transformation where currently we have over 1,000 condo units under construction as we speak.

It's also critical that Hamilton has been selected as an urban growth centre. We prefer the "priority centre" that the previous draft plan had, but we'll take the "urban growth centre" designation. The legislation focuses on downtowns, and these downtowns share some characteristics, which are these: They are major employment centres; they have transit or the potential to offer transit; they have a diverse mix of residential, commercial and industrial uses; and they have easy transportation access to our borders and our trade corridors.

Centres like downtown Hamilton are ready and able to accommodate much of this growth. We are home to a number of businesses and working to attract new ones. We have GO Transit and our own transit system, the Hamilton Street Railway. We offer a diverse mix of commercial and residential, as I said, and Hamilton is in a great location, at the head of the lake, to access border and trade corridors; in fact, multi-modally, by road, rail, air and water.

What Bill 136 is trying to achieve is that same community well-being that the cornerstone of our GRIDS process is all about.

The city of Hamilton has been recognized for its innovative approaches to encouraging intensification. Building on what we have already done, our challenge now is to work with the government to achieve the intensification targets in the Places to Grow plan. I'll concede that they do offer us some challenges.

For example, I've also asked our local home builders' association to come up with a plan on how that can be accomplished, how we can add more to the intensification while having some balance in the greenfields areas



as well. I've been told by the association that this will be difficult and there may be need for future discussions to remove barriers to intensification.

Bill 136 is also about directing growth to provide for a clean and healthy environment, and we appreciate that. Ecological well-being is more than just protecting a woodlot. Managing growth to urban growth centres helps to protect important natural areas, and we believe in that as well. But we must also think about the way we interact with this environment.

Livable, walkable communities have a public health benefit. Taking public transit is good for the air. Having jobs near where we live is good for the air. Reducing commuting times also reduces highway congestion and improves air quality. I'd agree with the previous speaker that investment in transit by this government is what is needed. By caring for our community and ecological well-being, we build stronger foundations for the economic well-being of our communities. All three areas indeed are interrelated.

This bill promotes compact development to make better use of our infrastructure and prevent pressures on our green spaces as much as possible. This is good for a city like Hamilton, with an established urban core that needs to be revitalized.

It also identifies specific measures that we should be focusing on, such as making it easier to restore abandoned brownfields by providing better access to financing tools and eliminating barriers to redevelopment. In Hamilton, we have been working toward redeveloping existing brownfield sites to create new employment and residential opportunities within the city. We need the government's help to continue doing that.

We have some real successes already. For example, McMaster University just purchased a former industrial site called Camco, which was essentially a factory. The plans are to build a new research park there, and that's attracting tremendous interest on everybody's part. We need to do more of this. That is why this legislation is so important to Hamilton.

We will need an increase in provincial funding to promote further brownfield development, be it loans, loan guarantees or grants. Therefore, the legislation that permits this is good legislation, and given opportunities, such as providing input to this committee today, Bill 136 can be fine-tuned to meet the needs of communities across Ontario such as mine.

For example, Hamilton has a unique situation that I want to bring to the committee's attention, with our airport lands, which require flexibility. That flexibility currently is not in the legislation, and that is why I'm asking the government to pay attention to this message. What do I mean by flexibility? Well, both the city of Hamilton and the province of Ontario have identified the John C. Munro Hamilton International Airport as an economic development priority. The Places to Grow discussion paper identified this airport as Hamilton's top economic priority, while stating that growth should "take advantage of the economic opportunities provided by the airport."

The Hamilton Airport Gateway Opportunities Study stated that "a strong industrial base in the vicinity of the airport will support and solidify its function as an important part of southern Ontario's transportation infrastructure." The provincial draft terms of reference for the Niagara-GTA corridor also state that this airport is "a future economic growth centre and major development area in the region."

In order for us to realize what everybody believes, that is, the full economic development potential of the employment lands—and I emphasize the employment lands—surrounding the Hamilton airport, it will be necessary to expand the urban boundary for employment purposes. That is where this legislation needs to be reviewed to allow us to further align the legislation with our GRIDS process.

To be clear, and I want to make this clear, this is a timing issue. It is critical that this issue be addressed. As you know, there is a proposal out there to build an airport in Pickering, spending billions of dollars to build an airport that isn't in existence right now, on greenfields land in Pickering. The facts, though, are that Hamilton is experiencing population growth and that growth is heading west. Hamilton has an international airport already in place, and the growth of this airport will serve as a catalyst to create significant employment growth. There is no reason, therefore, to be looking at Pickering as a site for a new airport, with billions of dollars attached to that, billions of dollars that could go to other needed services, when everything points to Hamilton as the best place for any level of government to invest.

Bill 136 must provide us the flexibility to allow the city to implement its vision for the airport. Our recommendation is that the minister must have the authority, in special circumstances, to exempt certain areas, like Hamilton airport, from the restrictions on urban boundary expansions, while the Places to Grow initiative continues.

This makes sense not only for the airport and the city of Hamilton but for the province of Ontario.

I focus my message to you on the airport lands that are now caught within the restrictions. In closing, I want to say that Bill 136 is important to the city of Hamilton, not only to help us deal with our future population growth but also to allow us to create employment opportunities that will make Hamilton a stronger, healthier and more vibrant community. This balance, combined with the needed financial assistance, is key to our future success.

Again, Madam Chair, I thank you and the committee for the opportunity to present, and I will be glad to answer any questions you may have.

**The Chair:** You've left about a minute and a half for each party, beginning with Mr. Hudak.

**Mr. Hudak:** Thank you, Your Worship, for being here. It's good seeing you.

**Mr. Di Ianni:** It's nice seeing you too.

**Mr. Hudak:** I wanted to pursue the John C. Munro Hamilton airport issue. You say specifically that the legislation should be changed to allow the minister to grant restrictions from urban boundary expansions. Are those



restrictions that you mean with respect to the 40% intensification, or the greenbelt restrictions? What do you mean?

**Mr. Di Ianni:** Right now, the lands around the airport—and everybody acknowledges that this is an important employment node—are not developable; they're designated agricultural. They're being treated, in other words, the same as residential lands. Before we can get to them, we need to improve our residential intensification within the urban boundary. I'm saying it doesn't make sense for us to designate an airport that's so critical for employment, to restrict those lands from being developed in the way that all of us want to develop them.

1620

**The Chair:** I'm going to give you more time, since Ms. Churley isn't here. You're going to have the whole two minutes; you've got a minute.

**Ms. Churley:** Go ahead.

**Mr. Hudak:** Thank you; I'll owe you.

If you're giving advice to us as a committee in terms of the most important infrastructure to help advance the GRIDS plan that you speak about in Hamilton, what type of infrastructure investments would do most to help you achieve the growth targets, the intensification targets?

**Mr. Di Ianni:** What the city of Hamilton needs is employment, and anything that would allow us to service our airport lands would really be appreciated. Anything that could be done for our brownfield properties—we have lots of them—to allow us to redevelop and do some of the intensification that makes sense for my community would also be very helpful. Also, transit, as the previous speaker said, is another area for us to look at.

**Mr. Hudak:** Are you satisfied with the level of GO Transit currently into Hamilton? What enhancements would you like to see?

**Mr. Di Ianni:** No, not nearly satisfied. I know some of the issues around GO Transit, and we're trying to deal with them, but we need better and more regular service into Hamilton by GO.

**Mr. Hudak:** What about the links coming from the east, from the Niagara Peninsula, for example, or some of the more rural parts of the current city of Hamilton? How is the transit support in that direction?

**Mr. Di Ianni:** We are also very keenly looking at the transportation corridor up on the escarpment and want that to move forward. I'm meeting with all the mayors from your municipalities and we want to see that process move forward as well. That is also absolutely critical to us.

**Mr. Rinaldi:** Thank you, Your Worship, for your great presentation. First of all, let me congratulate you and your city for being leaders in the redevelopment of brownfields. I had the opportunity to be briefed a little bit, and you're certainly a leader. On that same thought, though, the city of Hamilton has done that sort of in a hodgepodge, on their own, with whatever tools were available. You indicated that this type of legislation will help you achieve those goals. Can you elaborate and be a

little more specific about what this will enable you to do more easily than before?

**Mr. Di Ianni:** First of all, the legislation is good for a city like mine. We're at about 18% of intensification within the urban boundary, with the downtown areas, and we need to bring that up to a more acceptable level. You're suggesting 40%. It's going to take us some time to get to that 40%, but it's good for us to redevelop our downtown. One of the major factors stopping us right now is essentially not having sufficient money to deal with some of our brownfield lands, abandoned sites that need major assistance for private investment to come in. Anything that could be done, along with a plan in terms of the financing, to assist us in doing that would just be a tremendous boost to a city like ours.

**The Chair:** Thank you, Your Worship. We appreciate your being here today.

#### RESCUE LAKE SIMCOE COALITION

**The Chair:** Our next delegation is the Rescue Lake Simcoe Coalition. Please have a seat. Mr. Crooks, could you identify yourself and the organization you speak for for Hansard? They take a record. When you begin speaking, you'll have 15 minutes. Should you leave time at the end, there will be an opportunity for us to ask questions of your delegation.

**Mr. Tim Crooks:** My name is Tim Crooks. I'm speaking on behalf of the Rescue Lake Simcoe Coalition. I'm going to read a letter prepared by the chair of our organization, Mr. Robert Eisenberg.

"I am chair of the Rescue Lake Simcoe Coalition and a director of Ontario Nature. Ontario Nature," formerly the FON, "partners with conservation groups all over the province and has about 25,000 members. The Rescue Lake Simcoe Coalition is an umbrella group of 13 ratepayer groups in the Lake Simcoe watershed.

"I can say without fear of contradiction that we all applaud the recent greenbelt legislation.

"If this government's goal is to protect southern Ontario's finest environmental and agricultural features, however, including Lake Simcoe itself, it must expand the proposed greenbelt to include south Simcoe and the Lake Simcoe watershed.

"Support for the greenbelt:

"Bill 136 is vital to the survival of Lake Simcoe. It is hard to grasp that the huge lake that has given us so much pleasure and is the underpinning of the recreational industry responsible for 40% of the local economy is deteriorating, notwithstanding the efforts of the Lake Simcoe Region Conservation Authority, farmers and ordinary citizens. Weeds clog beaches and marinas, beach closings are increasing, the cold water fishery is no longer self-sustaining, and water quality is threatened.

"Lake Simcoe is the largest inland lake solely within Ontario. It is as valuable a natural resource as the Niagara Escarpment or the Oak Ridges moraine.

"The Lake Simcoe Environmental Management Strategy, a study group under the auspices of the Lake



Simcoe Region Conservation Authority, has identified excess phosphorus input as the main cause of the lake's deterioration. And just as carbon dioxide is a surrogate for all the other forms of contributors to 'sick building syndrome,' phosphorus is a surrogate for most of the other pollutants that threaten the lake. LSEMS, Ontario Nature and Environmental Defence have all identified uncontrolled, poorly planned growth as the chief culprit in the increase in phosphorus input in Lake Simcoe in recent years.

"Numbers presented by LSEMS indicate that, notwithstanding the reduction in phosphorus loading from farmers and notwithstanding all the efforts by the authority and by ordinary citizens, phosphorus input into the lake has not decreased" over the last 30 years. "The problem is that non-point loading, runoff from newly urbanized land, has doubled. Population growth outside settlement areas has simply overwhelmed all other efforts to stop the lake's deterioration. We have all awakened to the alarming facts that not all growth is desirable or sustainable. Maximum growth anywhere any way is no longer optimum growth.

"That's why we need your help.

"Individuals can only do so much. People are willing to build their docks according to regulations designed to protect fish habitats, to refrain from adding sand or even rocks along their shorelines, and from building lakefront embankments to enhance their properties.

"And throughout the watershed, Rescue Lake Simcoe Coalition's WAVE: Healthy Yards/Healthy Waters project has caught fire: People are avoiding phosphorus-based fertilizers and planting perennials instead of grass."

Ten communities around the lake have asked the Rescue Lake Simcoe Coalition to go into the community and teach people to look after their lawns and gardens without adding additional phosphorous to the lake.

"But it is hard to ask people to respect the regulations" protecting the littoral of Lake Simcoe when "new developments are gouging out canals, building new marinas, and making wholesale changes to shorelines. This used to make sense. The lake seemed a vast, invulnerable resource. It doesn't seem that way any more.

"That's why we must support the greenbelt legislation. That's why school children are writing letters asking us to save the lake. That's why the WAVE is so popular. We are experiencing a groundswell of support, but we need your help. We will not succeed in saving the lake without the protected countryside designation of the greenbelt legislation.

"Simcoe county:

"The value to Lake Simcoe of the greenbelt legislation is jeopardized by the failure to include Simcoe county. Excluding Simcoe county encourages developers to leapfrog York and Durham. Development pressures from Toronto on the Lake Simcoe shoreline are monumental" and growing all the time.

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"Projects on the drawing board outside recognized growth areas in Simcoe county threaten the health of the

lake and the Lake Simcoe way of life. There are several ways in which you can help to save the lake from poorly planned growth:

"Expand the greenbelt to include Simcoe county....

"The provincial watershed study includes an investigation into the carrying capacity of Lake Simcoe to withstand further development outside of settlement areas. Until the lake's carrying capacity study is completed," we're asking you to "restrict growth to existing settlement areas."

Right now I have a cottage in Shanty Bay, which is a settlement area, and there's a proposed development that is nearby but outside the settlement area. Any growth should be in existing settlement areas.

"Implement the proposed change to Bill 26 that requires that OMB and other land use decisions be consistent with Ontario's provincial policy statement.

"Growth does not mean sprawl:

"Before becoming involved with Ontario Nature and the Rescue Lake Simcoe Coalition, I worked on the city of Toronto's Main Street Housing Initiative and was privileged to be on the mayor's task force that produced the King-Spadina, King-Parliament initiatives.

"...I have learned about the deleterious effects of poorly planned growth" from my involvement with other conservation groups. "From the committees I learned that a huge portion of Ontario's planned population growth can be accommodated in the city and that very palatable zoning changes can have huge beneficial impacts on the lives of Torontonians. Seemingly minor changes to land uses in these formerly dilapidated neighbourhoods unleashed an incredible building and revitalization effort that goes on to this day.

"Southern Ontario is losing between 40 and 60 acres of prime farmland, woodlots and wetlands a day due to poorly planned growth. It is obvious to everybody except some in the development industry and some who hoped to sell to the development industry that this cannot go on.

"Other jurisdictions have understood this. In California, a state with a population the size of Canada's, one can drive for miles in Marin and Sonoma counties without seeing a subdivision; building takes place within town limits. Outside of Nice, France, you would be just laughed at if you applied to rezone a farm. A farm is a farm. New York City is committed to spending US\$1 billion to protect its water and undeveloped lands.

"And the argument that we need the subdivisions to offer affordable housing just doesn't wash. In the first place, subdivision housing is" often "not affordable housing, it is subsidized housing. Ask the people in Milton, who were told that the new developments would pay for themselves and who are now faced with increased tax bills for the next 10 years. The cost of roads, schools, and services always exceed the development charges and new taxes. Or ask the people in towns whose Main Streets are threatened by the malls that service the new subdivisions."

Just to summarize the next paragraph, because I'm running out of time, "We have enough land in brown-



fields, along main streets and along hydro rights-of-way to accommodate growth for the next 30 years...."

"Conclusion:

"We may be the first generation that will be remembered less for what we have built than for what we have preserved.

"We will be remembered less for the quantity of new houses and shopping plazas that we build on the outskirts of our towns and villages than for the quality of life we have brought to our main streets and neighbourhoods.

"And you will be remembered by those of us who live in the Lake Simcoe watershed for what you did to save the lake and the Lake Simcoe way of life.

"There is evidence that Lake Simcoe is reaching a tipping point. Increased water clarity due to zebra mussels, fish restocking, and band-aid solutions such as weed removal have combined to disguise the gravity of the situation. Property taxes are being appealed, and tourists are afraid to swim in the water.

"That is why Mayor Grossi of Georgina convened a meeting of mayors from the watershed and provincial representatives to discuss the problem and to seek solutions." That meeting occurred last fall. "That is why the membership of the many organizations under the Rescue Lake Simcoe Coalition supports the greenbelt legislation and asks for your help with Simcoe county.

"The government is showing enlightened, pragmatic leadership. The greenbelt legislation reflects Ontario Nature's greenway strategy and Environmental Defence's NOAH plan and years of research and input from the province's most knowledgeable and sophisticated land use and habitat experts.

"Implementation of the greenbelt, combined with programs that create farm trusts or allow farmers to swap tax benefits and development rights, Main Street housing programs, and attention to Simcoe county are all practical, achievable measures that would ensure that the legacy of this government would be to conserve for our children and grandchildren an environmental and civic landscape unsurpassed anywhere.

"Sometimes it takes outsiders to tell us what we already know. When friends visit from other parts of the world, you will not be surprised that I do not take them to Richmond Hill or even Newmarket, nice communities though they may be. I take them to Lake Simcoe. They are blown away by the birds, the fishing, wildlife, swimming, boating—things we take for granted," but we must take measures to ensure that these things are going to continue for generations.

"I hope my grandchildren and yours can play by the shore on unspoiled beaches, catch crayfish in the rocks, and swim in unpolluted water. You can make that happen.

"That's something to be remembered for.

"Respectfully submitted by the Rescue Lake Simcoe Coalition,

"Robert Eisenberg, Chair."

**The Chair:** Mr. Crooks, you've left one minute for each party, beginning with Ms. Churley.

**Ms. Churley:** Thank you very much, Mr. Crooks. I guess with a name like that, especially these days, you're never going to run politically, are you?

There's not really much time to ask a question, but I appreciate your coming forward. I know your group tried very, very hard to get Lake Simcoe and your area included in the greenbelt. You know I put forward an amendment and made all the arguments about leapfrog development, but to no avail. I appreciate that you haven't given up. I haven't given up. You made the case again today that the greenbelt is laudable but will not stop urban sprawl, and it will continue to degrade the lake. That's why you're here today, for the government to hear that for the greenbelt to do what they say they want it to do, the Simcoe area has to be included. Anything you want to add to that?

**Mr. Crooks:** No. You've summarized it beautifully.

**Ms. Churley:** I know there's not time now, but you reiterated what I said earlier to a previous group, and you gave some illustrations of communities where taxpayers paid more to cover the costs of new subdivisions.

**Mr. Crooks:** I've heard all my life that subdivision development charges don't cover the full cost of all the services.

**Ms. Churley:** Thank you very much.

**Mr. Rinaldi:** Thank you, Mr. Crooks, for your presentation. Obviously, you're here today to express your concern about Lake Simcoe. It was a well-put-together presentation. Can you maybe give some advice to the government on some of the priorities we should strike at first to help Lake Simcoe?

**Mr. Crooks:** First of all, any new development should be put into the existing settlement areas that have already been identified in Simcoe county and Oro-Medonte. I refer to the UCCI development, which is planned between the 4th and 5th line of Oro-Medonte. That is right in the middle of a forest. It shouldn't be put there. It can be put in many other existing communities that are called settlement areas, and the settlement areas can accommodate any size of planned development in Oro-Medonte.

**Mr. John Yakabuski (Renfrew-Nipissing-Pembroke):** Thank you very much, Mr. Crooks, for joining us today. You spoke in your presentation about the farms, and you compared the farms outside of Nice, France. Of course, the French farmer lives in a different world than the Ontario farmer with regard to income support. Is your group saying that this government, with the implementation of the greenbelt legislation, has failed to address the needs of farmers with regard to farm support here in Ontario?

**Mr. Crooks:** I don't think I said it has failed; I think we've said it should address the needs of farmers.

**Mr. Yakabuski:** But the fact that it doesn't would constitute a failure, I would say. Would you not agree?

**The Chair:** I think you're leading the witness, Mr. Yakabuski.

Thank you, Mr. Crooks. We appreciate your being here.



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## CITY OF BARRIE

**The Chair:** Our next delegation is the city of Barrie; Mayor Hamilton. Welcome, Your Worship. If you're the only speaker, you just need to identify yourself and the group you're speaking for. If anybody else is speaking, please let us know who they are before we begin, for Hansard. You'll have 15 minutes. Should you use all the time, we won't be able to ask you questions or make comments on your delegation. Once you begin, you'll have 15 minutes.

**Mr. Rob Hamilton:** Thank you. I'm Rob Hamilton, and I'm the mayor of the city of Barrie. I have with me the chief administrative officer, Peter Lee, on my left, and next to Peter is Craig Hebert, our manager of strategic services. I will be the only speaker unless I hand off questions to them.

Thank you for the opportunity to appear here before you today regarding Bill 136, the Places to Grow Act.

The city of Barrie has been watching with great interest this government's actions and initiatives in areas that directly affect Ontario municipalities. The allocation of provincial gas tax funding to promote public transit at the municipal level is a welcome and much-needed step toward sustainable and predictable funding for municipalities and one that we look forward to building upon.

Another significant initiative of this government, one that is of particular interest to Barrie, is Places to Grow. We have been closely following Places to Grow, including the 2004 discussion paper, the draft growth plan, and Bill 136, the proposed legislation.

As you are well aware, the growth that has been experienced in southern Ontario, and the greater Golden Horseshoe in particular, has been substantial and is projected to continue at an aggressive rate well into the future. Barrie has experienced at first hand the challenges this high growth rate brings to local municipalities, and while we believe we have managed this growth fairly well in the past, the challenges of the future appear more daunting. We commend the province for taking a leadership role in growth management planning and the assistance and direction that will be provided in this regard.

The issues facing the city of Barrie in terms of future growth are significant. Barrie has historically been the regional centre of Simcoe county, and all indications are that this will continue. Since 1954, Barrie has needed to expand its boundaries nine times in response to the ever-increasing demand for residential and employment lands. More than half the population and employment growth in the county between 1991 and 2001 occurred in Barrie, and the forecasts prepared by Hemson indicate that this will continue to at least 2026. The city's role will become even more significant as key health and education services are centralized and expanded, including health care facilities at Royal Victoria Hospital and university-level education programs at Georgian College.

The city's population has increased by 50% in the last 10 years, and while this sustained growth has contributed significantly to the health of the local and regional economies, the city is quickly approaching a build-out situation in terms of land supply. We have virtually no parcels of land left within the city for which a draft plan of subdivision has not been approved.

Barrie is not the only jurisdiction facing these problems. We recognize that we are just one of 25 designated urban growth centres in the greater Golden Horseshoe. I would hope that all these municipalities are welcoming Bill 136 as a very timely piece of legislation. We have thoroughly reviewed Bill 136, the Places to Grow Act, and related documents, and can offer what we trust will be useful and constructive comments.

We fully support the basic intent of this legislation. An integrated and coordinated approach to growth management by all levels of government, particularly municipal governments sharing common issues and common pressures, will optimize environmental protection and public investment in infrastructure.

This high-level, provincially driven plan is welcomed by the city of Barrie, and although we are confident that we have been fairly successful in planning for and accommodating growth within the city, our efforts to coordinate growth management planning on a regional basis have not been as successful. Local solutions were previously the flavour of the day, and Barrie put forth significant efforts to coordinate a regional solution to growth management and even prepared a study for the Simcoe area in 2003. However, there has not been enthusiasm beyond Barrie for such a coordinated approach. Through Bill 136, we are pleased that the province is now stepping up to the plate in this regard.

We are encouraged to see that expansions or amendments to urban boundaries are contemplated by the plan. This is not just a local issue, but a provincial one, and we are pleased that the province has recognized this and is willing to address it. Constrained boundaries, such as we are currently experiencing, have implications not just on land use planning but also on economic development, transportation, and service delivery. Fringe development pressures are mounting immediately adjacent to our boundaries due to the availability of urban services within Barrie. We are service-rich and land-poor. However, the extension of infrastructure services alone does not solve the problem. Expansions to urban boundaries and service areas must also consider the expansion of municipal boundaries to ensure that consistent and appropriate jurisdictional, financial and operational responsibilities are maintained.

As a result of significant growth and constrained boundaries, pressures are increasing to redesignate industrial employment lands for other uses, including commercial and residential uses. Barrie has been resisting these pressures, with varying degrees of success, and we are very encouraged that the draft growth plan and the provincial policy statement will assist us by setting out clear direction in this area.



Transportation is a key issue that can make or break a community's ability to grow and prosper. Bill 136 appropriately addresses this, and the draft growth plan contemplates the effective integration of different transportation modes for the movement of people and goods, including transit, highway, rail, air and water. In Barrie we have all of these. We have a well-established transit system that is integrated with GO Transit bus service. We will soon be getting GO train service, and this is noted in the draft growth plan. We are also served by Highway 400, which is regularly congested by commuter and holiday traffic. These transportation systems are all functioning successfully and are financially supported by the province.

A lesser-known fact is that we also own our own railway and our own airport, both of which are key transportation facilities for regional industrial growth and both of which are financially challenged. The Barrie-Collingwood Railway is a joint venture between the city of Barrie and the town of Collingwood, and provides short-line freight rail service to industries in our communities. The Lake Simcoe Regional Airport is a joint venture between the cities of Barrie and Orillia and the township of Oro-Medonte and provides us with passenger and freight charter services to an international market. Both of these modes of transportation are vital to the economic growth of our region and will require significant capital investment to keep pace with the anticipated growth of our area. Both of these facilities are currently funded solely by the property taxpayers in our respective municipalities and are therefore constrained in their ability to grow in any significant way.

For the reasons I have mentioned, we welcome Bill 136 and the Places to Grow initiative and are glad to see that Barrie has been recognized as an urban growth centre. But what does it mean for growing municipalities in Ontario like Barrie?

Growing areas will require additional tools to deal with growth that is being experienced and will continue well into the future. Implementation tools discussed in the draft growth plan include Planning Act reform, provincial policy statement revisions and private investment in infrastructure. But we need more than that. We need:

- sustainable and predictable new sources of revenue that property taxes alone cannot provide. The additional wealth generated by growth needs to be shared with the municipalities that are providing critical front-line services. The New Deal for Cities that I and other mayors are working hard toward is starting to bear fruit, and we hope this will continue.

- revisions to the Development Charges Act so that development can contribute to improved standards and additional services not currently permitted, for example, health, solid waste management, and social, cultural and municipal administrative facilities. The 10-year average level-of-service calculation currently used is problematic for growing municipalities that need to increase service levels in response to growth. The statutory 10% discounting should also be removed so that growth can begin to

start paying for itself instead of increasing the burden on existing taxpayers, as is currently the case.

- changes to the environmental assessment process so that transportation and utility corridors that are developed and shown in official plans and sub-area growth plans are not subject to phases 1 and 2 of the class environmental assessment process. This process can significantly hinder a municipality's ability to move forward on much-needed and time-critical infrastructure projects. We have a number of local examples where infrastructure projects that have been contemplated and planned for over a number of years are stalled or delayed while we await a decision on a part 2 order, while in the meantime growth marches on.

#### 1650

These are some of the additional tools that the province should consider as part of its overall growth management initiative.

Section 12 of the Places to Grow Act deals with official plan conformity. It requires that municipal official plans must conform to the provincial growth plan. While it is assumed that this conformance will be more closely related to the goals and policies of the sub-area growth strategies, this requirement has the potential to take planning out of the hands of local government. We anticipate that the provincial growth plan and sub-area growth strategies will provide fairly high-level direction, in similar fashion to the provincial policy statement, for example, so that local planning matters and municipal official plans will continue to reflect local needs and objectives.

In summary, Bill 136, the Places to Grow Act, is a welcome and timely initiative. It is a coordinated and comprehensive approach to growth management and planning that will focus our attention through the windshield rather than the rear-view mirror.

Dealing with growth issues requires some tough political decisions, decisions that are required for the betterment of the entire province, and I believe the time is now for this to occur. Barrie's problems are acute. However, we are not alone in requiring the benefits that this proposed legislation will bring so that 30 years from now we can all look back and recognize that things work and that the right decisions were made today.

Barrie is poised to grow, and with the provincial leadership and assistance that Bill 136 will provide, we look forward to being able to make "Better Choices for a Brighter Future." Thank you.

**The Chair:** You've left about a minute for each party, beginning with Mr. Rinaldi.

**Mr. Rinaldi:** Thank you very much, Your Worship. I know that staff at PIR have looked at preparing the next wave. Your downtown renewal strategy is a model, and I congratulate you folks for taking that initiative. We all need to learn from that.

This is basically a statement. As you know, the province is partnering with Barrie and other Simcoe municipalities to do an assessment of Lake Simcoe's infrastructure capacity, also known as the Simcoe inter-



governmental action plan. We look forward to those results. We thank you folks for taking the leadership on that part, because I believe this is going down the same road that the legislation is. Thank you.

**The Chair:** Mr. Hudak?

**Mr. Hudak:** Thank you, Your Worship, and members of the Barrie administration, for being here.

I'll ask two quick questions, Chair, and give the mayor some time to respond.

You talked about the importance of changing the environmental assessment to streamline transit corridors—actually, you said “transportation,” so I take it you mean highways and utility corridors as well. How would you respond to the criticism that it could cause some environmental problems if you take it out of the EA phases 1 and 2?

Second, you talked about municipal boundaries. Are you talking about restructuring Simcoe county, expanding beyond the current municipal boundaries?

**Mr. Hamilton:** We realize that we must be environmentally friendly. However, surely there is a time limit placed on things. Everybody is busy. I guess it's what gets moved to the top of the pile or does not, but we're waiting for over a year, two years, for the assessments to come through on the projects we have on the books that are capitalized and that we need.

BMO is building an office in Barrie, a data centre. We hope they will employ 400 people to begin with, 600 in the not-too-distant future—a 200,000- to 300,000-square-foot building. The corridor we need for an arterial road and to run the hydro service to them is held up in an EA that we've been waiting on for well over a year. That's one example. We have others. We call the Ministry of the Environment on a regular basis, and really, there's not a whole lot of satisfaction about whether there's any light at the end of the tunnel. It's a little bit frustrating at our end. However, I'm not in your chairs and I don't fully realize the difficulties you encounter here. We're waiting not so patiently. It is a problem at the municipal level.

As to the municipal boundaries issue, we are built out, as I stated. I think your question is, are we hoping that you will expand our boundaries? Yes, we are. Our services are in place. We're putting in a \$60-million surface water treatment. We have wells right now; some of the wells are being decommissioned. This installation is needed. Our sewage treatment plant has lots of capacity; it's a state-of-the-art facility. Our landfill site has capacity until 2025, with some mining and some engineering.

Barrie is set. We are geographically well located, our infrastructure is in place, very good planning has been done in that city, and we're doing everything that Minister Caplan wants—with whom we have developed a rapport, and I certainly like what he's doing—in terms of infilling, intensifying, revitalizing our downtown. Tonight, being put before council, is a downtown master plan. The proponent of that, the person we hope to engage, the consultant, does a lot of work for Intrawest. They do it on an international basis: Canada, the States,

France, New Zealand. If we're going to the dance, we're going to dance with the prettiest girl, and in our opinion, this consultant is.

**The Chair:** I think you've answered the question. Thank you.

**Mr. Hamilton:** So we are on board with your initiatives.

**The Chair:** Thank you. Ms. Churley, it's your turn.

**Ms. Churley:** On page 6, “Revisions to the Development Charges Act,” you mention a few things. In the short time we have, could you expand a little bit? For instance, you say, “The statutory 10% discounting should also be removed so that growth can begin to start paying for itself instead of increasing the burden on existing taxpayers, as is currently the case.” What's happening right now, and what do you need to fix that?

**Mr. Hamilton:** Development charges cannot raise the standard. You take an average of what the standards were over 10 years, and the rule is that you cannot expect development charges to upgrade these standards for the new growth; people who are already there get a free ride. For the 10% discounting, I'll hand it off to Craig Hebert, from our engineering department.

**Mr. Craig Hebert:** The 10% discounting is part of the calculation. Once the development charge is calculated, a 10% portion of that gets discounted, in other words, transferred back to the taxpayer.

**Ms. Churley:** So the taxpayers pick that up.

**Mr. Hebert:** And it's a mandatory requirement under the act. In that sense, it's impossible for growth to entirely pay for itself.

**Ms. Churley:** Ultimately, what you're asking for is for that 10% to be taken off. What would the developers, for instance, say to that proposal: that it will increase their costs and therefore housing prices will go up?

**Mr. Hamilton:** I think development charges in Barrie are low. Residential development charges are too low, and growth has not paid for itself. The burden is on the taxpayer. People are angry, very angry, so I think this has to be revisited. Craig, do you have something to add to that?

**Mr. Hebert:** Obviously, the developers wouldn't be happy with that, but in their business it's all passed on to the homeowner in some way, shape or form. I think the key is that if a municipality anywhere in Ontario is going to grow—Barrie, obviously, is our preferred example—then growth needs to pay for itself more than it does now. That's the basis of our suggestion; it's to help us out.

**Ms. Churley:** Thank you very much.

**The Chair:** Thank you very much, Your Worship. We appreciate your being here today. Thank you, gentlemen.

1700

#### TACC GROUP

**The Chair:** Our next delegation is the TACC Group. Welcome, gentlemen. Could you please identify yourselves for Hansard prior to speaking? When you begin, you'll have 15 minutes. Should you leave time at the end,



there will be an opportunity for us to ask questions about your delegation. Welcome.

**Mr. Silvio DeGasperi:** Madam Chair and the rest of the committee, thank you for having us here today. My name is Silvio DeGasperi. I'm the president of the TACC Group, which employs approximately 800 employees. We are a vertically integrated development company that provides full service: grading, sewer/water infrastructure, pipe manufacturing, gas installation, hydro, roadwork, highways, housing and industrial properties. So we do the full array of the development industry.

I will conclude at the end, but I'd like to have Ken Rovinelli, from our development group, bring the issue we have: the city of Pickering.

**Mr. Ken Rovinelli:** Thank you very much. I realize that the committee has had several delegations. I apologize if you get some bad repeats here.

Places to Grow and Bill 136 seek to enshrine broad planning objectives with limited analysis on how they can be achieved or if they can be achieved.

The province seems to have left all the hard work to the sub-area strategies, which may not support the intensification targets or land requirements set out in the plan. As a general comment, Bill 136 and the sub-area strategies introduce another layer of planning policy in the greater Golden Horseshoe. This new layer would be in addition to the greater Golden Horseshoe plan itself, the provincial policy statement, local official plans, regional official plans, the greenbelt plan, the Oak Ridges moraine conservation plan, the Niagara Escarpment plan, watershed plans and source water protection plans. There is a point beyond which the Ontario planning system can become so complex, no matter how laudable its aims, that it no longer functions efficiently and effectively and loses its credibility with decision-makers and the public.

Intensification targets in the plan represent a one-size-fits-all policy that may not work for the 100 or so municipal organizations across the greater Golden Horseshoe. Many municipalities have registered concerns similar to those discussed recently at council in the town of Oakville. They are concerned with the imposition of unattainable standards of intensification and the imbalance that may be created when applied across broad regions. If you fall short on intensification, you fall short on the amount of land identified for future growth.

It's our feeling that before passing Bill 136, the province should involve municipal governments, residents and businesses in developing a more detailed plan. As well, there should be a socio-economic analysis completed to determine if there will be economic fallout from implementation of Bill 136 and subsequent growth plans.

Of concern, for example—and it was expressed here today—is that the availability of land supply in the plan seems to have been overestimated, as also reported by UDI and several senior planning consultants. The land supply assumptions form the entire basis of the growth

plan, and if this assumption is in serious doubt, then so is the entire process and plan.

What is also unsettling to many is how the province views Bill 136 and the Greenbelt Act. While it is dictating to municipalities that they must conform to them, they have exempted themselves to the extent that the provincial policy statement and minister's zoning orders need not conform to either. Some might consider this a double standard or self-serving, while others may simply view this as a lack of confidence that either the greenbelt plan or Places to Grow are on plan to succeed.

Places to Grow should also recognize local growth studies that were in process prior to the province's growth management initiatives. If they do not, they will be retreating even further from their commitment to give local municipalities more power to manage their growth. It is unfortunate, but by ignoring any well-intentioned and detailed growth study, you risk putting politics ahead of good planning.

The city of Pickering, out of need and at the request of a conservation authority, undertook a growth management study that included the provincial lands in Seaton and private lands known as Cherrywood. This planning process began before there was any talk of the greenbelt or Places to Grow.

In Cherrywood, the agricultural component of the growth management study concluded that agricultural uses were not viable at this location. In addition, the attached letter, in the package you got, from Ron Bonnett of the Ontario Federation of Agriculture, and an analysis from Wayne Caldwell, a past chair of the Ontario Rural Council, a senior planner in Huron county and a professor at the University of Guelph, support the idea that Cherrywood land being preserved for agriculture is more about ideology than pragmatism.

In general, the city's growth management study concluded that their plan area was suitable for growth and assigned a population of approximately 40,000 people to both Seaton and Cherrywood. City of Pickering planning staff reports supported Cherrywood as a growth area due to the low environmental sensitivity of the land, the existence of roads and services to accommodate growth and the site's location adjacent to the existing neighbourhoods in Pickering. The lands identified for growth in Cherrywood are south of Highway 407 and the proposed airport in Pickering. This puts Cherrywood adjacent to the largest future employment area in Durham region, creating the opportunity for a strong home/work relationship, compact growth and access to both local and inter-regional transit. In other words, Cherrywood has all the characteristics of smart growth and none that would qualify the area for inclusion in a greenbelt, yet that is how it is now it designated.

No scientific or agricultural studies were brought forward to justify this designation. The historical designation of the area as an agricultural preserve and some old and now misguided policies are all that is offered in support of restricting growth in Cherrywood. The city of Pickering adopted the growth management study as OPA



13. In addition to the residential uses, the plan includes a balance of employment and institutional areas. It also includes a generous natural heritage system designed with the same environmental standards used for the Oak Ridges moraine.

The city of Pickering's growth management study attempts to dispel 30 years of political baggage and provide all concerned with a balanced, clear set of answers regarding the future of Cherrywood. Places to Grow makes no effort to incorporate this work or take account of the wishes of both the city and regional governments, who support growth in Cherrywood.

**Mr. DeGasperis:** Lands that I own in Pickering have been impacted by shortsighted government actions. It is plans like the Pickering growth management study, a large, detailed and comprehensive report, that Places to Grow should call on for designated growth areas. Growth in Cherrywood has the approval of both local and regional council. The region of Durham's resolution clearly states:

"That the Minister of Public Infrastructure Renewal be requested to:

"(a) coordinate through the authority of Municipal Affairs and Housing an amendment to the boundary of the 'protected countryside' under the greenbelt plan to remove the lands in the Cherrywood community in the city of Pickering, and an amendment to the greenbelt plan to delete section 3.4.4.2.a; and

"(b) identify the Cherrywood community as a 'designated growth area' in the final growth plan for the greater Golden Horseshoe."

Why would local governments' wishes not be honoured? Why would the province pass over a growth opportunity and throw away hundreds of millions of dollars of existing infrastructure already in the ground? Clearly, this is a waste of taxpayers' money. It's a shame.

In addition to this fiscal irresponsibility, the province has double standards when it comes to the environment. Although the Ministry of the Environment has asked for a class D environmental assessment for twinning an existing sanitary sewer through York and Pickering, it has refused a full class EA on provincially owned land, despite the following efforts, which have fallen on deaf ears: (1) a unanimous council resolution by the city of Pickering, (2) a request by PACT, Pickering-Ajax Citizens Together for the Environment, with 3,500 petitions supporting that class D EA, and (3) a demand by the Liverpool Ratepayers' Association and the Boxgrove Community Association calling for a full class D EA.

Places to Grow displays a gross disrespect for local municipalities and regional governments. The Liberal government did not respect the resolutions made by municipal and regional elected officials regarding the greenbelt. The Liberal government ignored the recommendations of the Greenbelt Task Force. The Liberal government did not stick to its own election platform, which clearly stated that it would create an independent greenbelt commission to establish the greenbelt plan in conjunction with a growth plan.

The growth plan, as the government calls it, is discriminatory and prejudicial to new immigrants, low-income renters and first-time homebuyers. Since the Liberal government has taken power, land prices in the GTA have doubled as a result of their initiatives. It has become extremely difficult for the average-income family to purchase a home in the GTA, especially the Toronto area. The Liberal government is forcing people to live in low-income, affordable apartments, giving them no alternative. This is not really what they want. Why hold back the working class and prevent people from owning their own homes?

1710

Places to Grow is empty. Why do I say it's empty? The Liberal government must invest billions of dollars—today—in new subway lines, light rail transit, highway expansions, and sewer and watermain infrastructure. This is also very, very important. They must give back to the municipalities and regions their planning powers. Municipalities are the ones that will have to implement the growth plan. They must give Ontarians a choice of how and where to live. Finally, they must give back to Ontario property owners their rights.

Bill 136 leaves no right of appeal. This is not democratic. Even criminals have the right of appeal. Do landowners have fewer rights than criminals? As reported in the *Financial Post* on March 12, 2005, "Canada's Worst: Mrs. McGuinty's Nanny State Whacks Ontario." Is Ontario becoming what Russia was 40 years ago?

All political systems fail if integrity, openness and ethics are missing. As such, democracy transforms a government for the people into a government for itself. The credibility and legitimacy of Bill 136 can only be achieved if local and regional government's recommendations are respected. Otherwise, Bill 136 will have a fatal effect on communities and the economy.

Thank you for allowing me to speak regarding Bill 136. We've attached a list of important documents to our document. They're all important. I don't want to go through them all. Thank you for having us here.

**The Chair:** You've left about a minute and 30 seconds for each group, beginning with Mr. Hudak.

**Mr. Hudak:** Thank you very much for the presentation. You have used some very strong words, Mr. DeGasperis, at the end of your commentary. I'll just ask you this straight out. It was under David Young that the MZO was put on the land in question, which has been subsequently lifted. The city of Pickering recently sold off the easement rights on that land, shortly after the infamous \$10,000-per-person fundraiser at the home of Mr. Sorbara. Obviously, Pickering must have had some expectation that the government was going to do something. Were there promises made at that fundraiser? Did the Premier and the finance minister give some indication that they were going to make changes in this area, and did that then cause Pickering to want to sell off the easements?

**Mr. DeGasperis:** That has nothing to do with this bill, but the facts are—



**Mr. Brad Duguid (Scarborough Centre):** Chair, I think the question is out of order. Would you consider that?

**The Chair:** I'm going to let Mr. DeGasperis answer the question.

**Mr. DeGasperis:** Those easements were the right of the city of Pickering. They were always there for the benefit of the city and the residents and taxpayers of Pickering. The city of Pickering has decided to lift those easements for the benefit of the taxpayers, not their own personal benefit. That's why they did it.

**Mr. Rovinelli:** I might add that it reflects their growth management study and their approval of OPA 13. The easements were only lifted on those areas designated for growth. The balance of the lands still have agricultural easements.

**The Chair:** Thank you. Ms. Churley?

**Ms. Churley:** Thank you very much, Mr. DeGasperis. I guess you know your name is raised a lot in the Legislature. You're in Hansard again today, because I asked a question about whether the government is going to appeal the decision.

When you did attend that \$10,000-a-plate dinner, were you made specific promises at that time about that land being preserved? Is that part of the problem now, that you were promised something and then the government went back on it?

**Mr. DeGasperis:** The only promise I was made was that the Premier was going to let Rob MacIsaac, chair of the Greenbelt Task Force, make that decision. That's what was promised before the election and that's what he told me at that dinner.

**Ms. Churley:** So he did tell you that at the dinner.

**Mr. DeGasperis:** Absolutely.

**Ms. Churley:** These lands were originally purchased with the full understanding that they were an agricultural preserve and had agricultural easements on them. That's why I can't understand—I mean, you bought them with that knowledge, right?

**Mr. DeGasperis:** When they sold those lands, the ORC sent out two letters. One was to the tenants and the other one was to the city of Pickering. Both letters concluded by saying that the final decision on uses of those lands is up to the local and regional government. Those are not the exact words, but those were the letters that went out from the ORC and the government at the time.

**Ms. Churley:** But the easements were on when you bought them.

**The Chair:** Thank you very much. Mr. Rinaldi?

**Mr. Rinaldi:** Thank you for the presentation.

**The Chair:** Thank you very much. We appreciate your being here today.

#### FROGS: FORBID ROADS OVER GREEN SPACES

**The Chair:** Our next delegation is FROGS, Forbid Roads over Green Spaces.

**Ms. Maxine Jafine:** This is scary.

**The Chair:** It's not scary. It's just us.

Welcome. We appreciate your being here. Please introduce yourself when Hansard returns; they take a record of your name and the group you represent. After you've introduced yourself, you'll have 15 minutes. Should you use all of your time, there won't be an opportunity for us to ask questions of your delegation. Should you leave time, there'll be an opportunity for all parties to ask you questions.

**Ms. Jafine:** Super. I've never been in this building before. This is a new adventure.

My name is Maxine Jafine, and I represent an organization called FROGS, Forbid Roads over Green Spaces. Our mission generally is to encourage the construction of major highways in areas that do not impinge on environmentally sensitive areas. That's really what our mandate is.

As a member of FROGS—and this organization has been around for in excess of 10 years—I appreciate the issues involved in this particular bill. The act and the greenbelt initiative are very positive steps—way overdue, but thank you. I really appreciate all the opportunities the public was given to comment even before the bill was initiated, and the fact that this government actually listens is really refreshing.

I have a number of items. I've gone through the bill and the draft growth plan. I don't want to go through every part of that, so I'm going to skip this first little part with respect to the bill. There are certain comments on certain parts of the bill that maybe somebody could take into account.

With respect to the draft growth plan, a couple of issues concern me. One is the Queensville plan. I saw Mr. DeGasperis here—we all know Mr. DeGasperis—and he's involved in the Queensville plan. In all honesty, the Queensville plan has been very well planned. It conforms to Bill 136 in that it does have a balance between commerce, industry and residential, which should be lauded, because up to this point we've had all these bedroom communities. I'm not sure if transit is really part of that plan, to the recommendation of this particular committee. I was concerned with about fact that the developers a year ago asked for and received permission to build 10,000 homes without the requisite commercial or industrial base. They managed to convince the Ontario Municipal Board that they would use whatever development was at the southwest part of East Gwillimbury, which is at the corner of Yonge and Green Lane, as their contribution to commerce, even though it's 15 kilometres away. Will this modification to the plan be permitted under this act? That's my one issue with Queensville.

1720

The Keswick-Sutton situation revolves around the extension of Highway 404. I know it's not, so-called, on the construction plans right now, but it is on the Ministry of Transportation's map as potentially to be extended up to the Ravenshoe Road. Because this is more of a bedroom community, there is enormous stress on the local roads, and therefore there is this request to extend



Highway 404. However, in the particular plan here, you have the fact that highways should only be for the movement of goods, not necessarily for the movement of people, that other facilities should be used for the movement of people. I'm just wondering whether the extension of the 404, if it should come about, would conform to the bill.

The next issue I'm bringing up is the Bondhead development. I don't know if you're even aware of it, because it's not part of your plan there, and it's not part of one of the urban growth centres. Consequently, until about a month ago, there was this huge gold rush with regard to buying up land for development in that area, even though it's not one of the urban growth centres. I don't know what's going on there—it sounds a little nefarious—and it may happen again before the bill is actually passed.

Part 3.2.1 of the draft: integration transportation networking. Just a question: Are the Ministry of Transportation and the Greater Toronto Transportation Authority going to work together on this? Are the two groups going to marry to integrate and coordinate that venture?

My next point is the Ontario Municipal Board. I mentioned that the Ontario Municipal Board had given Queensville an amendment to their plan. I was part of that, and I was amazed that—even though the adjudicator was very bright, he was given very little time to really understand the situation, and they were given permission. I'm just wondering where in all of this the Ontario Municipal Board lies and what kind of powers they are going to have.

On policy 7.4, it's just a minor detail there.

What I really came to talk about is the Bradford bypass. That was one of our main focuses at FROGS. This is a planned four-lane highway that's going to connect Highway 404 with 400. It's not in the document, but it is on schedule 5. It's listed there as the Bradford bypass. Since this government came into power, they have put a hold on the construction of that highway. However, I went to the Web yesterday and found that the Ministry of Transportation has it on their plans. I provided that on the back of the handout, and I've outlined it for you; the Bradford bypass goes east and west. I also outlined the extension of Highway 404, just in case you didn't know where it was.

I think the driving force for this is the Queensville plan, and potentially the Bondhead plan, which will be part of Bradford, in West Gwillimbury. It looks like the Bradford bypass should be an obvious route. It goes just north of Queensville and extends right to north of Bradford and goes to the 400, which would make sense. However, one of the problems is that it only serves Bradford and Queensville; it doesn't serve Newmarket or anything south of that. Queensville is going to be one of those urban growth centres, but Bradford is not, at least according to this plan.

More important is the actual route of the proposed highway. It crosses both branches of the Holland River.

Until this highway was proposed, this was class 1 wetland. All of a sudden, it became class 2 or class 3 wetland. I don't even know what it is now. There is a big problem with the Holland River, which runs into Lake Simcoe, in that we have runoff from the Holland Marsh and from development. It causes all kinds of problems with regard to Lake Simcoe.

I'm a biologist, and I can't help but think that we really have no understanding of the impacts we have on the environment. I certainly can't be alleviated by any of the so-called experts who say that everything can be mediated.

One of the other major problems with this particular routing is that it goes right through a major historical and archaeological area. This is the key point, and I don't think the Ministry of Transportation has grasped this. The routing of the highway passes right over an area called the Lower Landing. This is a highly significant historical site, and I'll bet you nobody knows about it. It's on Lot 118. Its importance has been recognized by the Ministry of Culture. In 1996, Ruth Jackson mentioned its significance. At one point, a briefing note from the Ontario Ministry of Culture in 1998 said that "the Lower Landing is more significant than 95% of the historical and archaeological sites in Canada."

I have evidence, through other organizations I belong to—the East Gwillimbury heritage committee, as well as Canadian Heritage Landscapes—that early natives were present there, and many explorers, some of whom you would recognize from your days in public school. Historical records show that this is a gateway from Upper Canada to the Arctic as well as to the west; it was part of the northwest French passage for furs. It was an embarkation point for explorers like Jolliet, La Salle, Franklin, Goldie, Champlain, Brûlé, Hennepin and a bunch of others I haven't mentioned. It was a military post during the War of 1812. It provided supplies for the British forts in Detroit and Midland. It was the terminus of Lake Simcoe steamboats. It was a trading area with natives during the War of 1812. It had a military barracks called Fort Gwillimbury. Its importance in the early history of Ontario and Canada is unsurpassed. Surely the heritage division of this particular plan can recognize that as part of this plan.

How am I doing for time?

**The Chair:** You have three minutes left.

**Ms. Jafine:** The Ministries of Transportation, Environment and Culture were provided with this evidence. There is a document from Wilmot, who was the first surveyor of this area in 1811. His field notes show exactly where this was, so there's no doubt about it. However, the previous government decided that all this activity did not occur in Lot 118 but in Lot 111, and consequently, they chose to ignore the evidence and continued with their planning. I'm hoping that this committee can see its way to the fact that there has been an error here. We would request very much if you could rescind the EA approval for the Bradford bypass, because they didn't have the evidence and they certainly didn't have



these particular documents—the heritage plan, the growth plan and the greenbelt plan—in place when this was decided.

1730

As well, I mentioned something about the extension of the 404. The reason I outlined that is that the 404 has a number of paleolithic native sites that this thing is going to go right through, because it's on the shores of the old Lake Algonquin.

Thank you for allowing me to present these views. I'd be pleased to answer any questions in the remaining seconds I have left.

**The Chair:** You've left about 30 seconds for each party, beginning with Ms. Churley.

**Ms. Churley:** There's no time to ask questions, but thank you very much. You certainly pointed out some of the flaws in the bill. Thank you for bringing those forward. We'll make sure that amendments are made to try to improve the bill.

**The Chair:** Mr. Rinaldi?

**Mr. Rinaldi:** Thank you very much for all your efforts and the time you put into your presentation. There really is not much time.

**The Chair:** Mr. Hudak, you have a whole 40 seconds, if you choose to use it.

**Mr. Hudak:** Well, I've got something to fill it. Thanks for the presentation. You did a great job. I've got to tell you, FROGS is one of the best acronyms I've seen at this committee. I didn't want to leap to any conclusions about what you were going to say, but we're happy for your comments on this bill, warts and all.

**The Chair:** Thank you very much for coming.

#### GREATER TORONTO HOME BUILDERS' ASSOCIATION

**The Chair:** Our last delegation today is the Greater Toronto Home Builders' Association. Welcome. Thank you for coming here today. Could you please identify yourselves, if you're both going to be speaking or answering questions, and the group you speak for? When you do start to speak, you'll have 15 minutes. Should you leave time at the end, there will be an opportunity for us to ask questions or make comments on your delegation.

**Ms. Julie Di Lorenzo:** My name is Julie Di Lorenzo and I am president of the Greater Toronto Home Builders' Association. I am also a condominium developer here in the city of Toronto. Thank you for the opportunity to speak to you. We have earlier distributed our paper Pull, Don't Push.

Joining me today is James McKellar, associate dean and director of the real property program at the Schulich School of Business at York University. Mr. McKellar is an architect, planner and former builder. He has served on the Oak Ridges Moraine Advisory Panel, the North Pickering land exchange panel and the Oak Ridges Moraine Foundation. Mr. McKellar worked very closely with our association in developing Pull, Don't Push, our response to the Greater Golden Horseshoe growth plan.

For those of you who are not familiar, the Greater Toronto Home Builders' Association represents more than 1,300 builders, professional renovators and associate members operating within the Greater Toronto area. We exist to educate, to advocate and to be the voice of the industry.

From an economic standpoint, new home building and renovation in the greater Toronto area currently accounts for around 240,000 jobs, \$10 billion in wages and \$18 billion in GDP. We pay more than \$5 billion in taxes to the various levels of government. Beyond the statistics, we fulfill the hopes and dreams of up to 40,000 home buyers annually, be they young urban professionals buying a condominium in the city or newlyweds starting a family in the suburbs.

We have been following the McGuinty government's land-related legislation quite closely, and I would like to dispel one myth: We are not opposed in principle to the greenbelt and never have been, nor are we opposed in principle to growth management. From the outset, we have been supportive of these initiatives, while putting forward our criticisms and suggestions. Staff has been forthcoming and open, and we will participate in working sessions to ensure that the plan works.

With respect to the greenbelt, we believe in the protection of our environment and the preservation of our prime agricultural land as a legacy for our children.

With respect to growth management, we understand the importance of efficient land use for the future prosperity of the regions and this province and for our future competitiveness and the importance to our future quality of life.

I would now like to let James McKellar speak to this issue more specifically.

**Mr. James McKellar:** I'm James McKellar, from the Schulich School of Business. It's my pleasure to be assisting the Greater Toronto Home Builders on this submission. I would also indicate that it's been my pleasure to serve the government of Ontario in a number of capacities, most recently as the appointee of the province to the Oak Ridges Moraine Foundation; I've just finished my second term there. So I've had involvement on both sides.

I'm here to say that this plan, if it works, is a good plan. I would just like to say that if you were an optimist, you would say that Pull, Don't Push would read something like, "The home builders support growth management, we want it to work, and we have some suggestions." If you were a realist, you might say growth management is only as good as its implementation, and if the province doesn't back it up with significant infrastructure dollars and stand behind the plan in the face of local opposition, then we might have to just put that plan aside right now. If you were offering a critical summary, you might say, "If you're going to put all your eggs in the intensification basket, you'd better get it right, because if you get it wrong, there will be untold damage that will really affect people for the next 10, 20 or 30 years."

As Julie has said, we support the objectives of the plan. We have some concerns about what the plan



doesn't say. One might say that it's very unusual for an industry to get up here and say the plan doesn't go far enough, but that really has to do with implementation.

The plan has areas that must be addressed. We need a transportation plan; we desperately need public transit. We don't have to argue over that. The question is: Give us a date and tell us when it's going to be there. That's what we need. We need the money, we need the commitment, and we need the organizational structure. We don't need a patchwork. I know well enough. I'm at York University. We have 1,300 buses a day. We can't even decide what transit line should be there. I live with that problem every day.

**Mr. Mario Sergio (York West):** What about the subway?

**The Chair:** Please don't interrupt the delegation. Ask your question at the end.

**Mr. McKellar:** We need it, yes. Everyone needs everything, and I know it's a matter of money. Future home buyers will be convinced that public transit is a viable alternative if they see it and they know where to put their ticket in the fare box, or their high-tech credit card.

Another weak part of this plan is the issue of intensification. I think the home builders have made a significant contribution to intensification: you just have to look at the skyline of downtown Toronto and the number of condos built. That's not the issue. The issue is that local municipalities and local associations really stand in the way of intensification. Local opposition may be one of the great threats to the plan. Whether you want 20%, 30%, 40% or 50% intensification, you are going to have to deal with that, and that is a provincial responsibility.

We've seen several recent development proposals, in well-serviced areas accessible to public transit, scaled down and strongly opposed simply because they were near existing neighbourhoods. One can appreciate what those neighbourhoods are going through. This does call for some very careful work. We're not in any way saying that intensification should be rammed through, but if that target is to be met, there has to be a way to do it. Provincial restrictions on development also make sense, but they only make sense if the intensification is there. If it doesn't occur, then you've got the worst of both worlds, where you've got a lack of housing supply, and we know what that does. If builders are prevented from developing the suburbs and face traditional obstacles in the inner area, then we have problems.

Just some final notes, because we want to leave most of this open for questioning.

There is a lot of debate about numbers in this plan. Let me say, our ability to forecast weather is pretty lousy and our ability to forecast land supply is pretty lousy, and I don't think we should be sitting debating those numbers today. We don't want to make assumptions sound like truisms. We're saying that we need a body that has provincial, municipal and industry representatives who can agree on an annual basis what those numbers are and,

if we miss targets, what adjustments have to be made. That's very important. We don't want to be arguing about numbers from here to eternity.

To conclude, our overall approach is to pull versus push. You can see what we're saying: Don't push us with regulation, pull us with incentives. We need carrots as well as sticks. The plan at the moment doesn't identify what those carrots are, but the market does respond very well to incentives. We know it in the energy field, and we have to do the same in development.

Finally, we are home builders, and above all we're concerned about housing affordability. We have to make sure that this plan works, particularly in terms of those people at the lower end of the income scale.

With that, I will end.

1740

**Ms. Di Lorenzo:** Thank you, James. Before we open it up to questions, I just wanted to debunk another myth, and that is the perception that all our industry is building is large, single-family homes in the suburbs. Month in, month out, high-rise condo sales account for between 30% to 40% of all new home sales. Meanwhile, the suburbs of today are much more intense than they were five, 10, 15 years ago. Last month, 40% of our high-rise condo sales were in the 905 regions, and we believe this trend will continue.

I started out by talking about the economic impact of our industry. This is something that should not be taken for granted. The extent to which the growth plan boosts or curtails the economic impacts of the industry depends largely upon whether the province backs the words in their plan with significant infrastructure investment and strong leadership to ensure that the intensification targets are met. Our recommendations are offered in the spirit of partnership and good faith.

We would now be delighted to answer any of your questions.

**The Chair:** You've left just over two minutes for each party.

**Mr. Rinaldi:** Thank you very much, Ms. Di Lorenzo and of course Mr. McKellar, for all your help and time you've given the province to have a better place to live. I want to comment on your slogan. I think it's very good.

Just a question to elaborate on your presentation: What can the province do to help achieve a better design for intensification development that people will see as an asset to their neighbourhoods, rather than a liability? You touched a little bit on how some people don't like intensification, so what approach do you think we can take?

**Ms. Di Lorenzo:** I can tell you, from our own experience, being involved in developments in the city of Toronto and communities, I don't think there is an understanding of the benefits of that intensification. For example, in the city of Toronto last year, we understand there was a \$20-million surplus that came from new intensification, a new tax base. If neighbourhoods knew that those monies were going into improving their sidewalks, public art contributions and in fact keeping their



property taxes down, we believe the public would understand that intensification is a positive thing.

Also, impacts are supposed to be the main criteria. If we were able to explain that intensification on main arterial roads helps transportation systems work etc. and provides the established neighbourhoods, as I said, with more stability, then I think we would have come a long way. So part of it is an education process.

**The Chair:** Mr. Hudak?

**Mr. Hudak:** Thank you both very much for the presentation. Chair, I'll just ask my three questions upfront to allow time to—

**The Chair:** He just likes to push the envelope, doesn't he? They'd better be quick answers, then.

**Mr. Hudak:** It's an excellent presentation and it begs a lot of further exploration. You talk about consumer preferences, that builders respond to consumer preferences. Consumers, for some time, have preferred more space, having a backyard and a garden and that sort of thing. How can you change consumer preferences so they'll opt for intensified areas of living? Then the builders, I assume, would respond.

Second, you talked about the NIMBY issue, which would pressure local councils to reject intensification. Is there an incentive for local neighbours to be more supportive of these projects?

Third, in terms of the approval process for transit corridors, is it important to speed those up, and how would you do it?

**Mr. McKellar:** Three good questions.

If you're going to change people's preferences, I think you have to give them new choices. For example, you can't say you're going to have transit-oriented housing when there's no transit. They have to see the benefit.

One thing I should point out: The actual amount of money that people spend on housing today is no different from what it was in the 1970s. They spend twice as much of their disposable income on cars. So people realize there's a real benefit to transit. All I'm pointing out is, give people real choices. Put the transit there, as we used to. Back 100 years ago, we always put in the streetcar first; look at Toronto. We have to lead with the infrastructure, not trail. Then I think the market will say, "You know what? It's a different world," and we'll see different housing choices.

Too often, we talk about the negatives and not the positives. We talk about infrastructure costing too much. What about the benefits of infrastructure? We have to do a better job of getting out there and saying that growth

isn't all bad. I agree with Julie. Neighbours have to see the tangible benefits of supporting that, as opposed to thinking that money just disappears into someone's pocket.

**Ms. Di Lorenzo:** To your last question regarding the approval process, if the provincial policy statement remains as strong as it is in terms of advocating the issues that we discussed and if the Ontario Municipal Board remains there as the body that should follow the provincial policy statement, then that will be a likely route to avoid local political agendas.

**The Chair:** Ms. Churley?

**Ms. Churley:** Thank you very much. I appreciate the work you put into this report and a generally balanced approach. I really appreciate your focus on transportation, because that is a big piece that's missing from this plan. Specifically, what are the carrots and sticks that you would need to meet the intensification objectives of, say, 40% to 50%?

**Mr. McKellar:** Let me give you an example. In February 2005, Massachusetts instituted smart growth zoning, which says, "If you build housing that achieves smart growth, we'll do several things. First, we'll give you TIF, tax increment financing. Second, rather than charge you development charges, in fact we'll give you money, because there's a benefit to the public." They set aside \$500 million in a trust fund that's funded by the sale of surplus state property. So developers in fact are getting a real benefit and the community's getting a real benefit. That's an example. They have another policy there of what's called fast-track approval, a comprehensive permit. If you build according to the principles of smart growth, you get a very faster permitting process.

This isn't rocket science. It says they're willing to stand behind and do—I'm just giving you examples, but I think we must have incentives, not just rules.

**Ms. Churley:** That's very helpful. Thank you.

**The Chair:** Thank you very much for being here today.

This concludes our list of delegations today. I'd like to thank all our witnesses, the MPPs and ministry staff for their participation in the hearings.

I'd like to remind the subcommittee to stay after the meeting. We have a short meeting to discuss additional legislation.

The meeting is adjourned until Wednesday, April 27, at 3:30 p.m.

*The committee adjourned at 1747.*







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# **Official Report of Debates (Hansard)**

**Wednesday 27 April 2005**

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**Mercredi 27 avril 2005**

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GENERAL GOVERNMENTCOMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES

Wednesday 27 April 2005

Mercredi 27 avril 2005

*The committee met at 1550 in room 151.*

## PLACES TO GROW ACT, 2005

LOI DE 2005 SUR  
LES ZONES DE CROISSANCE

Consideration of Bill 136, An Act respecting the establishment of growth plan areas and growth plans /  
Projet de loi 136, Loi sur l'établissement de zones de croissance planifiée et de plans de croissance.

**The Chair (Mrs. Linda Jeffrey):** Good afternoon. The standing committee on general government is called to order. We're here today to resume public hearings on Bill 136, An Act respecting the establishment of growth plan areas and growth plans.

**Ms. Marilyn Churley (Toronto–Danforth):** Madam Chair, before we begin with the deputations, I have a motion to make, which I will hand out to people. I'll read it first and then explain. Sorry. I'm out of breath from running. I shouldn't be.

This is a motion to the standing committee on general government:

I move that this committee formally recognize all witnesses as equal participants and assure them their presentations before committee are taken with the seriousness and sincerity with which they bring them to us, and that we strongly denounce attempts, as documented in the letter to committee members from the law firm Davies Howe dated April 26, 2005, to unduly influence committee members in their deliberations regarding Bill 136, and to discount the testimony of certain witnesses, namely the Bond Head Bradford West Gwillimbury Residents for Responsible Development.

I'm still out of breath here. I need a glass of water. I don't know if all committee members were sent the letter. Madam Chair, has this letter been given out?

**The Chair:** Yes.

**Ms. Churley:** It's been circulated. The letter is to all the committee members. It's from Davies Howe Partners, Michael Melling. It is a letter talking about the organization that was here on Monday giving a deputation on the Bond Head situation. I consider the letter to be, if you read through it carefully, a bullying letter, denouncing a bona fide group that was before us with their own information and their own take on the situation in south Simcoe. I consider some of the language in the letter highly unusual and threatening; perhaps if not threat-

ening, it's at least bullying, saying, for instance, that, "Mr. Trow's group made up the whole concept in an ill-considered, disingenuous scheme," and that kind of language.

It's a free country. There's nothing to stop this law firm from providing a letter like this to the committee, but I made the motion in response to that letter so that all members of the public who come before us to give deputations understand that this committee will not be unduly influenced by any group and that we will not be discounting the testimony of the Bond Head group because of this letter. I'm hoping people will support me on this motion.

**The Chair:** Any discussion?

**Mr. Lou Rinaldi (Northumberland):** I understand Ms. Churley's concerns, but I still think we live in a democratic society where I believe everyone has a right to freedom of speech, if they're within the constraints of any circumstances. I really feel that even though I support what Ms. Churley is saying, I don't think it's necessary to pass a specific motion and, if anything, it sort of reverses in the other direction. So I'm not prepared to support the motion.

**Ms. Churley:** I know we want to get on with the witnesses. Exactly: I said, it's a free country. People can provide this committee with any information they choose.

I've also just put out a press release about an incident that happened last night—a developer offers town council cash to build sewage capacity in the area. This all unfolded at about the same time a secret meeting, as I understand it, was held last night. So I'm very concerned about the letter that was sent to this committee and the timing around the incident last night.

My motion is certainly not telling people they can't write to the committee. But because of the language in the letter, I thought it was important for this committee to reinforce that we will not be unduly influenced by this letter in our deliberations and we will not discount the testimony of any witnesses, despite others—law firms—sending us letters calling them disingenuous and some other things.

I put it forward to have on the record that anybody can send us any information they want, but that we are committed to being fair to everybody. Nobody should feel that this committee's getting a letter from a law firm is going to influence in any way our determinations, our



position and our belief of any other group that comes before us. It's just an important affirmation, and I would appreciate support. I expect that the Bond Head group that is being targeted in this letter would appreciate it as well.

**The Chair:** Any further discussion? Seeing none—

**Ms. Churley:** A recorded vote, please.

#### Ayes

Churley.

#### Nays

Duguid, Lalonde, Qaadri, Rinaldi, Smith.

**The Chair:** That vote is lost.

### MILTON RURAL RESIDENTS ASSOCIATION

**The Chair:** Our first order of business is our first delegation. We have one cancellation at our 4:30 spot. We have to move fairly quickly, committee. I believe there's a vote at 10 to 6 tonight, so we have to try to get as many delegations in as we can.

Our first delegation is the Milton Rural Residents Association. Welcome. We have your submission here. After you've introduced yourself and the group you speak for, you will have 15 minutes. I'll begin timing you after you introduce yourself. If you leave time, we'll have a chance to ask questions.

**Dr. Lieven Gevaert:** My name is Lieven Gevaert. I represent the Milton Rural Residents Association. This is an association that is approximately two years old and is a kind of good-government watchdog in the county of Halton, focusing on the town of Milton. We have approximately 150 to 200 members. I was chosen to make the presentation today.

First of all, I want to thank you for allowing the association to speak through me. My address will take the following form: (1) the methodology I used, (2) the summary, (3) the recommendations.

I am going to spend very little time on number 4, in the interest of time, but I'm quite prepared. If you want to ask any questions on number 4, go for it.

The methodology I used was that the presentation's comments are based on Bill 136 and also Places to Grow. They're very similar in most places. The comments are also made keeping in mind the sister bill, as we call it, Bill 135, because as far as we're concerned, these are joined bills.

In summary, I have 10 items, and then I have recommendations.

(1) First of all, the bill and the Greenbelt Act are significantly different in tone regarding the protection of the citizens of Ontario compared to all other legislation in Ontario. The reasons for that are, first, that there is no appeal process in Bills 136 and 135, and that is stated in

subsections 10(3) and 15(1), (2), (3) and (6) of the proposed bill. Secondly, the minister is exempt from Bill 136 and Bill 135 whenever the minister wishes. I believe that is stated in subsection 18(1). Thirdly, there is no protection for citizens under the Statutory Powers Procedure Act, of which I know a little, but I am certainly not in detailed command of that understanding.

(2) There are no financial comments in Bill 136, which are needed to accomplish the goals of Bill 136.

(3) The goals of the province suggest building on community priorities. That's in clause 1(b). Unfortunately, community priorities and provincial governmental priorities are very divergent. Community principles are very much driven by local resistance or local non-acceptance, which can be summarized as the NIMBY philosophy, the not-in-my-backyard philosophy.

#### 1600

(4) There are no details on the "efficient use of infrastructure" nor are any funds allocated for the efficient use of infrastructure.

(5) Bill 136, like Bill 135, centralizes provincial power dramatically. Look at section 4 specifically and look throughout the bill to see that notion very clearly. The question that may come to mind is, are municipal governments really needed in view of the shift of power from the municipalities to the provincial government?

(6) In Bill 136, there are no timing and ratio guidelines for the building of houses and employment land facilities. This results in an ever-increasing spiral of municipal taxes. I'll give you an example. In Milton—where I live, by the way—tax increase projections are 3% to 5% per annum for the next 10 years. Prior to the housing boom in Milton, the tax history was zero increase for at least seven years, with no additional deficit spending or bond creation. House building has outstripped employment land use by a very large, unhealthy and unsustainable margin.

(7) Affordable housing is, in our opinion, a mantra and not a reality. The greenbelt has further increased housing prices—and the quantitative details abound—and has leapfrogged housing outside the greenbelt—and those details abound. Affordability has become more difficult, period.

(8) There will be existing approvals or permissions that exist that need to be grandfathered. That's alluded to in subsection 17(3).

(9) There is confusion on which act takes precedence and when. That's section 19. I'm not a lawyer, but I certainly have difficulty with, at what time does which act have precedence over what act?

(10) The not-in-my-backyard attitude is definitely at odds with the provincial philosophy of urban densification. Urban densification can ensure that there is no rural land taken for housing—based on some studies—for the next 20 years. There are urban citizens who would want to densify for the good of society. They may have an underutilized lot which they would like to separate so that further housing could be built on the separated part of the lot.



The last one, which I didn't write down, is that in 6(d) of the act there are a lot of points that should be reviewed. Some of them are not in accord with the planned Places to Grow or the greenbelt. I'll give you one example. One of the items talks about municipal waste management—no detail. It would seem to me that the tenet of municipal waste management must be that whoever creates the waste must manage the waste, and there are technologies available that can accomplish that.

Let's go to the recommendations.

(1) Bills 135 and 136 need to be modified so that there is citizen protection under which all previous legislation has been so designed. I'm sure that, as our legislators, you are well aware of that.

(2) Financial goals must be included in Bill 136 so that there is some clarity about the tools to implement Bill 136.

(3) The province needs to put a plan in place to remove the community priority of local resistance. Without such a plan, the bill's crown jewel, urban densification, will not succeed.

(4) A commitment must be made to implement efficient infrastructure, with "efficient," including the minimization of environmental damage and the minimization of the use of transportation energy. Nowhere in the bill do I see, for example, a commitment to rail infrastructure, and I think it should be part of Bill 136 somewhere.

(5) Before the bill becomes law, the results of centralization need to be carefully reviewed, studied and made clear to municipalities and the public. Our guess is that were that study to be done, the increase to the taxpayer—and, by the way, there is only one: me and you—of this duplicative set of methods is going to be dramatic.

(6) There should be guidelines in Bill 136 for housing and employment land ratios, and if those ratios are not met, as I've said in section 4, there should be an action taken to either slow down the rate of building housing or stop it for a while, or to increase the employment land to ensure that there is continued sustainability, rather than the ever-increasing realty tax increases.

(7) An analysis of affordable housing must be done, and changes should be made to Bill 136 and any other bill or act so that there is at least an assurance that affordable housing for all Ontario citizens is possible.

(8) Grandfathering situations for individuals must be used in Bill 136 so that there's no obvious injustice done to those individuals from previous actions or regulation.

(9) Before Bill 136 is finalized, the layering of priority of 136, 135 and the Planning Act—the more stringent bill takes precedence, etc.—really must be clarified. We have great difficulty when you phrase that. I have great difficulty understanding which is which.

(10) Bill 136 should include a process where an individual could divide his or her lot for densification. The bill should instruct municipalities that bylaws that would obstruct densification must be modified. This should be done and can be done quickly. There should be little problem doing this because, as I understand it, there

would be no zoning changes required in order to achieve this.

I'm going to stop now in the interest of time, and I welcome any questions. Thank you very much for listening to me.

**The Chair:** You've left about a minute and a half for each party, beginning with Ms. Churley.

**Ms. Churley:** Thank you very much for your presentation. I'm just wondering, based on what you had to say, what kinds of—I guess always in these land use changes that come forward, you need to look at carrots and sticks in terms of making it work. What would you suggest is needed in the form of carrots?

**Dr. Gevaert:** Well, I'm very glad you asked that question.

**Ms. Churley:** I bet you are.

**Dr. Gevaert:** You bet I am, too. I guess if you treat this bill a little differently or separately from the Greenbelt Act, you will see some significant differences between the sticks and the carrots. Let me give you a couple of examples.

First of all, if a person wanted to densify, there would be a benefit to that person. Let's assume he has a lot that is 40% used by the house and garage and 60% unused, and let's assume he says, "You know, I could do that." In the process of separating his lot, he would receive some income. That's a carrot. It would also meet the goals of Bill 136 in allowing densification in a presently urban area where it would be the most efficient. That's one example.

**Mr. Jean-Marc Lalonde (Glengarry-Prescott-Russell):** You referred in the summary, number 6, that this could result in a tax increase to the city of Milton. I was just told that the city of Milton does have development charges. With the way the economy and the cost of living are going, anybody at the present time who is not looking at a tax increase on a yearly basis, unless they have a huge commercial or industrial development—there's no way anybody could figure or plan on decreasing or freezing a tax rate unless they freeze the salaries of all the employees and also freeze employment.

At the present time, this bill will permit municipalities to do good planning for forecast growth. This is to help all municipalities in the future growth of municipalities. It's part of the bill.

I don't know what your answer would be. Are there development charges in Milton?

1610

**Dr. Gevaert:** Thank you for that question. I was lucky—or unlucky—enough to be on Milton council in the late last century, so I am significantly aware. The development charges for new housing in Milton are in the order of \$6,700 per house. This is between 60% and 90% of the requirement for services that each house demands. The reason for that not being 100% is because that was instituted by law some time in the past.

Secondly, the development charges obviously can alleviate to an extent what the tax increases are, but by practice, from 1993 until 2000—and Milton at that time



had not been forced into a boom—there were no tax increases in Milton, no additional debt instruments, no additional bonds, and we, the residents of Milton, both rural and urban, were mighty pleased with how that was done. Since 2001—and I still pay taxes in Milton—taxes have gone up between 3% and 4%, and Milton council's future look in the budget, up to 10 years from now, is 3% to 5% per annum every year. The major reason for that is the imbalance of new houses built in Milton compared to employment lands.

I'm asking you, the standing committee, to make a recommendation which clearly adds that there must be a guiding principle on ratios between houses and employment lands, and there must be some method of slowing down or speeding up either the house building or the employment building. That's all I'm asking.

**Mr. Tim Hudak (Erie–Lincoln):** Dr. Gevaert, it's good to see you again, and thank you for your presentation. I think members know that Dr. Gevaert was a very strong—he put a lot of energy into the greenbelt legislation. It didn't meet with the success he had hoped for, but he was a very passionate critic of many aspects of Bill 135.

With respect to Bill 136, two questions, if I could: First, if we want consumers or homeowners to choose to live in intensified areas more than they are today, how do we do so? What kind of incentives would be necessary, or would people naturally choose that?

Secondly, you talked later in your presentation, in section 11, about the hearing officer, and you make some strong comments about the lack of accountability around hearing officers. How would we remedy that through the legislation?

**Dr. Gevaert:** Remediating the first one, I think, is a long-term process. I look at it as a process which is equivalent to the process that was used to decrease drinking and driving. When I was young, it was nice to be able to drink and drive. When my daughters go out, (a) they have a designated driver, and (b), if they can't drive, they call dad or mom to pick them up. That was not accomplished in one day; it was accomplished probably over 10 years, but it was a total mindset change. The second mindset change is cigarette smoking. There is a mindset change. All I'm saying is, for urban people to accept this philosophy, there's going to have to be a process of mindset change, and unfortunately I'm not the person who can give you chapter and verse.

On the second part, which is the hearing officer, your question was?

**Mr. Hudak:** How would you fix it? You have some concerns that it's arbitrary.

**Dr. Gevaert:** It's very arbitrary and it can't be fixed just by the hearing officer. That whole section needs to be fixed, because the hearing officer is just the pawn. The fact that he has absolutely no responsibility is kind of like Pontius Pilate saying, "I am innocent of what I'm about to do," and that's not appropriate. It's more than just the hearing officer himself and what he is asked to do.

**The Chair:** Thank you very much. We appreciate your being here today, and your passion.

## PRESERVATION OF AGRICULTURAL LANDS SOCIETY

**The Chair:** Our next delegation is the Preservation of Agricultural Lands Society.

Welcome. We have your submission in front of us. When you begin, could you identify yourself and the group you're speaking for? When you begin, I'll begin timing you. You'll have 15 minutes.

**Dr. John Bacher:** I'm John Bacher, a researcher with the Preservation of Agricultural Lands Society. I'd like to summarize the key points in our brief.

First of all, we support the general thrust of this legislation. You have to compare what's proposed here with the planning framework as it currently exists in Ontario. Here we see an attempt to have a more stringent planning framework for the south-central Ontario region, which is experiencing the greatest growth pressures, than the framework that is for the Planning Act that governs the rest of the province.

In terms of the draft growth management plan, we indicate that we're particularly heartened by the language that says, "The expansion of a settlement area boundary will not be permitted in the natural system." This is in contrast to the framework under the provincial policy statement, the Planning Act, which says that such expansions can be permitted through an environmental impact statement prepared by the developer. Our society recently had a horrible experience with such an environmental impact statement, where the developer maintained that the clear-cutting of seven acres of a forest was permitted as a forest management technique to prevent the spread of disease to other existing forests, which shows you how absurd and misleading these studies can be.

In terms of the concern we had in reading the documentation regarding this growth management plan that will come into existence after the act is passed, what really stunned me upon reading it was that there was recognition of the value of conservation easements to protect natural areas, but nothing about these benefiting the protection of agricultural areas. As I show in my brief, this seems to have the idea that we can protect relic natural areas and have urban development in the surrounding agricultural areas.

What I would like to point out is that in 1994 there was a program for conservation easements in the Niagara fruit belt, which were termed restrictive covenants. Unfortunately this program was cancelled in 1995, on the day the cheques were to go out to the farmers. These programs did not just mean—we hear the term "compensation." What this is is a targeted tool to complement land use planning. It can be used to enhance the permanence of urban boundaries. That is the way it would have been used in Niagara. The point system for these easements would have given the priority for conservation



easements right on the urban boundary. We're suggesting that, although certainly we would see that in Niagara where the planning legislation recognizes the permanence of the urban boundary, it should be a priority to have a program like this. It would serve throughout south-central Ontario. Where there are urban boundaries, to make them permanent would certainly be helped by a program such as this.

1620

After I prepared my brief, I was quite pleasantly shocked yesterday to see the Economist magazine. If you note, they have a fascinating article where they talk about how New York City has spent \$250 million on conservation easements to protect its water supply. They saved billions of dollars. If this hadn't been done, the water would have been polluted and they would have had to spend billions of dollars on water treatment facilities.

One other point: The previous speaker seemed to say there was a problem of a shortage of industrial land. In our experience, there has been a severe over-zoning of industrial land, which has really been the biggest factor encouraging sprawl. The land supply tends to be more reasonable for housing where you get over-zoning like seven to 10 times the amount of land. This is something the committee should be aware of, because there seems to be a lot of folklore out there that's not substantiated by hard research about industrial land disappearing.

I hope to get to the questions. I just tried to highlight what I thought were the most important parts.

**The Chair:** You leave about two and a half minutes for each party, beginning with Mr. Rinaldi.

**Mr. Rinaldi:** Thank you, Dr. Bacher, for your presentation. I want you to elaborate more maybe on an issue you brought up during your presentation. You talk about the protection of the agricultural system, whether it be in the Niagara region or other regions. What would be of benefit to your group, I guess, or how could your group best benefit—what type of tools would you like to see as we try to manage growth to better protect that agricultural land outside of the greenbelt, which is already protected?

**Dr. Bacher:** The best way, I think, is to recognize that the urban boundaries are big enough and to have that be sort of the cornerstone, and have other tools such as conservation easements that will make this more politically acceptable in the farming community. That's sort of it in a nutshell.

**Mr. Rinaldi:** I guess I was looking for more specifics. One of the comments we get many times is that we're not specific enough in legislation. People want to see more detail. I share your concern that we need to protect agricultural land, and we've done that through the greenbelt legislation to a certain extent, because we manage growth. As you are aware, Bill 136 goes beyond the greater Golden Horseshoe, I guess enacting legislation that we can basically do the growth plan across Ontario. I guess I was looking for more specific ideas on how we can best protect agriculture as we move forward.

**Dr. Bacher:** Another idea I haven't mentioned is the concept of environmental payments for farmers. If farmers were paid for protecting streams, it would provide a benefit if fish, pike, can survive in a stream. To pay a farmer for doing that would have an impact so that they wouldn't feel so horribly burdened because they couldn't get a retirement severance.

**Mr. Hudak:** Thanks very much for the presentation on behalf of PALS. I appreciate the point about environmental payments. In fact, we from the official opposition brought forward an amendment to support that as part of the greenbelt legislation.

You talk about conservation easements as well. Give the committee some advice here. In order to actually make this plan and this companion legislation, the Greenbelt Act, success, what kind of investments does the province have to make to ensure their success? What would you prioritize? Or can it just be done by legislation alone?

**Dr. Bacher:** No, the legislation is only a component. We've talked about environmental payments for farmers, conservation easements. One problem, as I mention in the brief, is inappropriate transportation investments. This can serve to foster sprawl. In our society, we take the view that we should look at the expressway system in Ontario as adequate, and when we're planning in the future, we should invest that money in other types of transportation infrastructure that don't encourage sprawl. I think that is a good overview in response to your question.

**Mr. Hudak:** You also suggest on page 4 that the province should prohibit all urban expansions, I guess to their current urban boundaries. If the province were to do that, do they have a duty to support municipalities and pay the bills so they can't grow any more, or are you of the thought that it's sort of inconsequential and we should freeze the boundaries today?

**Dr. Bacher:** My view is that the boundaries are adequate. This is taken from the background paper, the growth management plan: "There is sufficient supply of unbuilt land within" existing "settlement areas ... to accommodate the majority of growth for approximately two development cycles." And that's not taking into account things like brownfield sites. When these various studies of adequacy of land are made, they don't look at the brownfield sites; it's all in terms of vacant land that's ready to be developed now. The sine qua non of being serious about stopping sprawl is to stop urban boundary expansions beyond the existing designated urban area. The astonishing finding of the Neptis Foundation was that if there was such a freeze, there would actually be very little increase in densities, because it would be so long before you got to that urban edge of zoning—20 years even.

**Ms. Churley:** As always, PALS' expertise and opinions in this area are very helpful. I wanted to ask you about an interesting component of your paper, and a controversial one, and that is the highway, the proposed mid-peninsula corridor—



*Interjection.*

**Ms. Churley:** Tim Hudak says, leave his corridor alone. Do you see what I mean? It's a highway.

I think it's fair to say that most of the deputants we hear from, both within the greenbelt and this, support it and give all kinds of reasons why it's needed. You take a contrary view, so I'd like you to expand a little on that. I'm sure you know the arguments of your neighbours, but why do you say there shouldn't be a highway built through?

**Dr. Bacher:** Thank you very much for that question. The strongest argument I heard against the highway actually came up in a public discussion about the highway in a government meeting. The argument for the highway was that urban densities would always be too low to support transit. I think this is very much a self-fulfilling prophecy. The whole rationale behind the highway is that urban boundaries will continue to expand. It works at cross-purposes to talk about growth management and have new expressways which will create the demand for urban boundary expansions.

1630

We see that the city of Hamilton has commented on this growth management plan. They want an expansion of Hamilton's urban boundary. They're the biggest supporter of the mid-peninsula highway. Expansions of the expressway system and urban boundary expansions are always connected.

There are European countries that have moved away from auto dependency, where there's actually a smaller percentage of trips today in cars than there was in the 1970s. All those countries, like Denmark, Austria and the Netherlands, have chosen not to build new expressways. That money, instead of going into expressways, goes into other types of transportation infrastructure.

We talk about the mid-peninsula highway, a \$2-billion project. Imagine if you gave \$2 billion as a transportation subsidy to the municipalities that would be impacted by the mid-peninsula highway. With that sort of expenditure, you could have free public transit and increase the level of service in these municipalities. So it's totally at cross-purposes.

**Ms. Churley:** Mr. Hudak, I'm sure you took that really good advice to heart.

**Mr. Hudak:** I've heard the doctor's comments before.

**The Chair:** Thank you for being here.

## SUNFISH LAKE ASSOCIATION

**The Chair:** Our next delegation is the Sunfish Lake Association. We have your document in front of us. When you begin, could you identify yourself and the organization you speak for? You'll have 15 minutes. Should you leave any time, there'll be an opportunity for us to ask questions.

**Mr. Kevin Thomason:** Honourable members of the committee and guests, my name is Kevin Thomason, and I'm lucky to be a landowner and live on Sunfish Lake, a rare meromictic lake located on the Waterloo moraine, at

the edge of the cities of Kitchener-Waterloo. I am here in my capacity as president of the Sunfish Lake Association, and I believe my presentation represents my own views as well as the views of our association and a great number of people in our community.

First of all, thank you. I am very appreciative of the opportunity to speak this afternoon, and I'd like to make clear our support for Bill 136. You heard our concerns on Bill 135, in particular our desire to be included within the greenbelt so that our unique and vital natural areas receive the protection they need in an area growing as fast as ours. We weren't included in the greenbelt, despite the efforts of a great number of hard-working people; however, it is good to see that there could be opportunities for our region to address this through portions of this act.

We thank you for the tremendous work that has gone into creating this Places to Grow Act, and we commend you for the approach of looking at things from a broad perspective, which can be quite daunting. I believe that the provincial government, as well as the half million residents of Waterloo region, share a common vision of a vibrant, dynamic urban community balanced by protected natural greenbelt and rural areas. As you've indicated, Ontario will continue to face tremendous growth pressures in the future and it will be essential that we create balance and sustainability.

This brings us to our first concern: growth. Waterloo region is already one of the fastest-growing areas in North America. We are lucky to have a strong economy, and our community is a very desirable place to live in. However, we have found your aggressive growth estimates quite shocking. Already concerned by the region of Waterloo's own growth estimates, we were astonished to see the provincial estimates arriving at even higher projections: more than 729,000 people a full 10 years earlier than the region's estimates. This is a serious discrepancy that could have significant implications and consequences for the infrastructure that we are going to require in just a short time. Already, without even this additional growth, our area is projecting water shortages for this summer, has significant bottlenecks on our area highways, is critically short of doctors and lags most of the province in provincial health care infrastructure.

I realize we are not a communist government and cannot control the movement and settlement of each citizen. However, unlike many cities and municipalities in the province that are clamouring for growth, I'm not sure the people of Waterloo region are demanding such a high growth rate, particularly after such rapid growth over the past decade in our area. Our region tries its best to keep up with growth and to be a leader in planning and development. However, there are countless projects that await funding or are behind in our area that need to be remedied first before the addition of hundreds of thousands of more residents.

I wonder if we need to consider ways to influence settlement patterns and ensure that positive incentives attract people to the right areas, rather than waiting for



negative issues such as traffic, smog, overcrowding and other problems to drive them away.

We also question the sustainability of this amount of growth into our watershed in such a short time frame. There doesn't appear to be any aspect of the Places to Grow Act that takes into consideration the natural carrying capacity of the land from a purely environmental perspective. I think we need to achieve a balance and ensure that future growth doesn't negatively impact the overall survival of an area.

Yet, critical questions remain with this massive growth. Will we be able to protect our vital natural areas? Please remember that our region was completely excluded from the greenbelt and that many of our vital water recharge areas have little current protection. How are we going to accommodate so much new growth? Will our infrastructure deficit be more effectively addressed in the future than it has to date?

We are optimistic about the future, but there is much work ahead. This leads nicely into the sub-area growth strategies. We strongly endorse the concept of these sub-areas. The people of Waterloo region are highly interconnected with our surrounding communities, and most residents frequently travel between Wellington, Guelph, Brantford and such. We share a lot in common, yet too often our municipal and regional governments have taken divergent courses, and many opportunities to work together have been missed.

These very interconnected and geographically close west-of-greenbelt areas can work together successfully to problem-solve, coordinate and plan for the future. The boundaries for the west-of-greenbelt sub-area seem to work well, and it encompasses most of the Grand River watershed, a natural focal point and common thread linking these communities.

There need to be timelines, though, attached to the sub-area growth strategies. We fear that some jurisdictions may be much better organized or proactive than others, and it will be important for all areas to have common goals to work toward. With no deadline in sight, much-needed planning or activities could drag out for years, or perhaps even decades.

There is a strong fit and congruency with the sub-area growth concept and the region of Waterloo's regional growth management strategy. I don't know how the sub-area growth plans will be prioritized, but our regional government and our residents are willing to be planning leaders, and we want to work hard as a community of communities to see this concept realized.

The natural system: Perhaps the most important reason why I am here today on behalf of the hundreds, at times even thousands, of people who have been involved in our efforts so far to protect the Waterloo moraine and the Paris-Brant moraine is to stress how important section 4.2, the natural system, will be to our portion of the province. In fact, our ability to grow sensibly and have safe, reliable drinking water, and even just survive, may depend on our ability to protect our two fragile moraines. This concept of a provincially significant natural system

in the outer ring will address the long-standing request from Waterloo region and our community for a greenbelt similar to the GTAH greenbelt in Bill 135.

Our area is in serious danger from leapfrogging over the recently approved GTAH greenbelt unless we can ensure we have the same protection as other fast-growing areas in the Golden Horseshoe. We believe this natural system concept will allow us the ability as a sub-area to identify and protect our most critical and vulnerable natural areas, while directing growth and development to more suitable areas. This is very congruent with our local green lands strategy, and we want to ensure that the province works promptly with Waterloo region and other sub-area jurisdictions to define and delineate the provincially significant natural systems in the outer ring, and perhaps even be the first to lead with this protection concept.

Urban intensification: We strongly feel there is a need to have a higher intensification target than 40%. We can do better than having potentially 60% of all new development still consuming precious green space.

Interestingly, this intensification target may inadvertently climb to be much higher in certain areas, such as the city of Waterloo, which is forecasting that it is going to run out of green land for development within eight years. Perhaps this is as a result of rampant sprawl in the past. Regardless, though, it will mean that the city of Waterloo will be able to achieve much higher rates of intensification simply because there is no alternative. This is not a bad thing. Manhattan Island in New York City hasn't had an acre of new green space to develop in over 100 years, and yet its economy seems to be booming and millions of people rate it as one of the greatest places to live in the world.

#### 1640

Forty per cent is a compromise. We know other jurisdictions such as Vancouver and Sydney have much higher target rates of 60% or 70%. Perhaps we can find a way in Ontario to reward municipalities and regions that exceed the 40% target and recognize good planning and development practices.

There needs to be a provision for the staging of greenfield development, that perhaps no expansion will be permitted further into greenfield areas until certain urban intensification targets have been met.

There is an opportunity for Bill 136 to help reinforce the region of Waterloo's countryside line concept by ensuring that the 2031 settlement area boundary and our RGMS countryside lines are consistent and fixed solidly in place. This coordination of both provincial and regional boundaries and vision will be essential in the intensification and control of sprawl in our area and in preventing legal challenges to this very important boundary concept.

Intensification will be essential to appropriately direct growth; to protect our remaining rural and prime agricultural areas; to protect water sources and remaining high-quality wetlands, forests and natural areas; and to ensure that our cities have the required densities for the efficient and economical delivery of services such as



utilities, transportation, education and health care infrastructure, and higher-order public transit.

This leads finally into our last area of concern: public transit and transportation corridors. It is essential that our landlocked region be served by a better transportation infrastructure than currently exists, particularly if we are going to see increased growth and development. The cities of Kitchener-Waterloo are almost an island, encircled by the Grand River on three sides. Yet with only a few bridges across the river, we currently face considerable bottlenecks. Our one expressway, and the lifeblood of our region, the 401, faces considerable congestion and delays daily.

Effective transportation will likely be, after water and land, the largest concern and impediment to growth in our area. Both roads and public transit need to be considered in tandem, as it will not always be possible to take the train, LRT or bus.

Within our cities we need to ensure that we can support desirable, attractive and comfortable higher-order transit. We applaud the province's efforts to date to work with the region of Waterloo to investigate a proposed LRT to link our cities, and we would like to see this initiative undertaken as soon as possible.

We need to rethink the concept of transit across the province, though. Transit needs to be rewarding and appealing. It should be as nice as your car and a desirable alternative. A dirty, lurching, noisy, crowded diesel bus is likely not such an appealing, attractive alternative.

Why not look at places with very successful mass public transit? Let's look at Hong Kong, with comfortable, carpeted trains that have televisions, plush leather seats and pleasant stations full of attractive artwork. What a pleasant experience to get to the airport or other destinations. Why does it seem here that we so often punish our transit riders instead of rewarding them?

Solutions may be even simpler. Why hasn't anyone thought of putting a Tim Hortons or a food outlet on GO trains? Currently, each day, thousands of commuters line up each morning at a Tim Hortons drive-through, with their cars idling for extended periods of time to get a coffee and a muffin as they race to catch their train. Why can't somebody serve and provide food on a GO train? Not only would it make the journey more pleasant; it could even be an additional source of revenue for the province and save frantic parents a few minutes each morning. We need to ensure that public transit appeals to people, and if their journeys are pleasant, then it will be truly effective.

In Places to Grow, we are pleased to see the higher-order transit connections for our region. Regular, rapid, comfortable and frequent transit links within our communities, between our cities and to the GTA will be vital for our future.

There is a concern, though, that currently the only east-west link discussed in Places to Grow is from Waterloo to Guelph to Acton to Brampton and into Toronto. It will be essential that a second east-west link is provided for the southern portion of our region, con-

necting the cities of Kitchener, Cambridge, Milton, Mississauga and Toronto as well.

In conclusion, we believe the government is on the right track with Bill 136, and we hope you listen to and act on our concerns.

During my last presentation, I told the tale of two cities: the story of Los Angeles, with unchecked sprawl and smog, and the story of San Francisco, with a booming economy, well-planned intensified urban areas, great public transit, and surrounded by natural areas.

We believe Ontario is heading in the right direction. Careful growth projections and guiding growth to the appropriate areas and places that seek growth, sub-area strategies that take advantage of regional synergies, urban intensification, improved public transportation and roadways, and the critical component of being able to effectively protect our natural systems are all the right thing to do, and future generations will applaud your efforts.

The residents of Waterloo region are working hard to try to ensure the best possible future for our children. We look forward to working with you to implement these concepts and hope our area can continue to grow in a healthy, balanced fashion and remain one of the economic, educational and technological drivers of the provincial economy.

Thank you, and I welcome any questions.

**The Chair:** I'm sorry, but you've exhausted your time. It was a great presentation. Thank you very much.

#### HAMILTON-HALTON HOME BUILDERS' ASSOCIATION

**The Chair:** Our next presentation is from the Hamilton-Halton Home Builders' Association. I know we're running a little bit late, but we're glad to see you here. If all of you are going to speak, you should identify yourselves for Hansard, and the group you speak for. When you do begin, you'll have 15 minutes. Should you use all of your time, we won't have an opportunity to ask you any questions.

**Mr. Anthony DeSantis Jr.:** My name is Anthony DeSantis Jr. I'm president of the Hamilton-Halton Home Builders' Association. With me today are Doug Duke, our executive officer, and Mike Foley, our policy adviser. I'll make a brief presentation, and then one of the three of us will answer any questions you may have. We've handed out a small submission.

The Hamilton-Halton Home Builders' Association, or HHHBA, represents approximately 300 member companies of home builders, trades, suppliers and industry professionals in the Hamilton-Halton region. In 2004, more than 4,000 new homes were built by our members in the Hamilton CMA, which includes the city of Burlington and the town of Grimsby. Moreover, the housing industry contributed approximately \$900 million to the Hamilton area economy, over \$300 million in revenues to the various levels of government and provided employment for over 17,000 people. This makes the home



building industry one of the largest employers in Hamilton.

The impact of the Places to Grow legislation on the housing industry and on the province's economy cannot be overstated. It will not only affect the homes that we build but also the communities where we live, work and raise our families. Home ownership and gainful employment are the very foundation of a community's social identity. The proposed legislation will fundamentally alter these two integral components of our communities and dramatically alter the economic prosperity of the city of Hamilton. Our comments will focus on the intensification targets, infrastructure funding, sub-area growth strategies and key economic factors.

The newly released population projections for the city of Hamilton indicate that the city's population will increase by approximately 200,000 people, with 80,000 people, or 40%, being accommodated within the existing built area at a density of 200 persons per hectare. This is a province-wide mandate which fails to recognize the city of Hamilton's long history of development, which is both efficient and responsible. The amalgamated city of Hamilton is the most densely developed city in the province, even more than the amalgamated city of Toronto, according to a report issued by the Urban Development Institute. A chart of those numbers is in your handout on page 2.

Intensification guidelines for cities such as Hamilton and Toronto should not be the same as for areas like Oakville and Mississauga. In Hamilton's situation, accommodating an additional 80,000 people through intensification is simply not possible.

The HHHBA fundamentally supports intensification and the revitalization of the downtown core to provide a diverse range of housing choice and affordability to the community. However, the implementation of the province's objective of accommodating 40% of the city's growth within the existing urban boundary will destabilize existing neighbourhoods and strain the social fabric of the city. This simply is not good planning.

In co-operation with the city of Hamilton and other key stakeholders, we are committed to continuing our long history of responsible community development. The province must work with the city of Hamilton to formulate realistic intensification goals based on historical development densities and the availability of suitable brownfield sites.

The city will require the province's support through infrastructure investment in order to capitalize fully on redevelopment of its brownfields and greyfields to emerge as the economic anchor at the western edge of the greater Golden Horseshoe, servicing both the GTA and the vast market of the United States. The required upgrades to the city's sanitary, water and road infrastructure are beyond the realm of the municipal capital budget and will require provincial assistance. With its integrated network of shipping, rail, road and airport infrastructure, Hamilton will emerge as an integral part of the province's economic plan for prosperity with the proper

investment of provincial infrastructure dollars and the designation of employment lands.

#### 1650

In the plan now, Hamilton has been identified as being within both the GTA and Niagara sub-areas, for which growth strategies are required. This can only further hinder the city's ability to diversify its economy and properly plan for the future housing and employment needs of the community. Hamilton should be part of one sub-area, that being the GTA, given that it is the economic centre for the western portion of the region.

The city of Hamilton is nearing completion of its growth-related integrated development strategy, or GRIDS. In order to reverse the existing commuter deficit and provide a wide range of housing to meet the demand spurred by increased employment opportunities, the city must have the ability to develop in a responsible manner without having to amend provincial legislation.

The municipality must be allowed to finalize and implement the recommendations of the GRIDS process independent of the sub-area growth strategies, which will take years to initiate and implement. Hamilton's economy cannot afford to stagnate any further under the weight of more studies. Hamilton must act now to secure its economic future. When the sub-area growth strategy for the GTA is being formulated, Hamilton's GRIDS work can then be incorporated.

The city of Hamilton has identified six economic growth clusters as a blueprint for evolving and diversifying its economy. The most important of these is developed in and around the Hamilton International Airport. Our association commends the province for specifically identifying the airport as a top economic priority and its importance to the greater Golden Horseshoe. It fully supports the development of the airport as a provincial economic growth node.

The association encourages the province to show its commitment to the Hamilton airport by recognizing in the Places to Grow plan the immediate need for lands in the vicinity of the airport to be brought inside the urban boundary and zoned for employment use, and allow this to take place independent of the sub-area growth strategies.

Another key component of the province's economic strategy is to ease the movement of goods to and from the greater Golden Horseshoe to key markets in the US. In this regard, it is critical that the planning and construction of the mid-peninsula transportation corridor be completed as soon as possible. The HHHBA supports the expeditious completion of the environmental assessment and construction of the corridor, not only to ease congestion on the QEW and at border crossings, but also to relieve development pressure on tender fruit areas adjacent to the QEW.

It is the view of our association that our members are key stakeholders in the growth and development of the greater Golden Horseshoe and specifically the Hamilton-Halton area. To that point, we would like to make five recommendations to this committee:



(1) That the province of Ontario delegate authority to the city of Hamilton to establish Hamilton-specific intensification goals based on historical density patterns, as opposed to an arbitrary province-wide mandate of 40%;

(2) That the province of Ontario support the city of Hamilton as a provincial priority urban centre and provincial growth area through its commitment of provincial infrastructure funding for the revitalization of the downtown core and for future employment lands;

(3) That the province place the city of Hamilton exclusively in the GTA sub-area and allow the recommendations of the Hamilton GRIDS process to be implemented independently of the proposed sub-area growth strategies;

(4) That the province of Ontario designate the Hamilton International Airport as a provincial employment node and support its continued development by allowing lands adjacent to the airport to be immediately brought into the urban boundary and zoned for employment uses; and

(5) That the province of Ontario expeditiously complete the environmental assessment process for the mid-peninsula transportation corridor and establish a time frame for its construction and completion.

Thank you all for the opportunity to speak. We'd be happy to answer any questions.

**The Chair:** Just over two minutes for each party, beginning with Mr. Hudak.

**Mr. Hudak:** Thanks, gentlemen. I saw two of you nod on the mid-peninsula corridor. There were three votes? So we're three to one so far, Marilyn—today anyway—on the mid-pen.

A facetious question, but there's a school of thought that says this is the developers' fault: The developers are building greenfield sites in the suburbs, you're forcing people to drive and buy cars, and you're getting fatter as a result. Why are you doing that?

**Mr. DeSantis Jr.:** We're responding to the demand. You can't force people to buy something they don't want. If they can't find something they want, they will move somewhere else. It's just a fact of life. If they can't find a single-family home with a yard for their children to play in, they'll move somewhere else.

As stated, Hamilton's economy has been bolstered by the housing industry. We've shown a record of building more intense than any other city in the province. What's happening doesn't make sense, in our opinion.

**Mr. Hudak:** What you just described has been the reality for a century or more, increasingly so. How are you going to stop people from making this choice if they want a backyard or a garden but the government wants to intensify? How are you going to do that?

**Mr. DeSantis Jr.:** How are we going to stop them?

**Mr. Hudak:** Yes.

**Mr. DeSantis Jr.:** Well, if they don't want the product, there's going to be a lot of people out of business, number one. There's going to be a lot of people moving out of Hamilton because they can't find the product they want.

**Mr. Hudak:** What will happen to the price of homes if you reduce—

**Mr. DeSantis Jr.:** The homes that are available are going to skyrocket, and we've seen that since last year or a year and a half ago, I guess, when the land freeze first came in with the other legislation.

**Mr. Hudak:** Who does that punish? Who will be affected?

**Mr. DeSantis Jr.:** The homebuyer, obviously. Prices of homes—

**Mr. Hudak:** Who are the homebuyers who would find these out of reach?

**Mr. DeSantis Jr.:** Single people buying their first home, first-time homebuyers, new immigrants to the country or someone who's moving for the first time from a rental to a single-family home won't be able to afford it.

**Mr. Hudak:** So if the government wanted to encourage more intensification for the general good of society, shouldn't the government pony up a little bit and offer some incentives?

**Mr. DeSantis Jr.:** Absolutely. That's what we're saying. We need the infrastructure to make some of it possible. But still, intensification is not the only answer. You have to provide a wide range of choice and affordability in pricing to all Ontarians, not just a few.

**Mr. Hudak:** We've heard a lot of talk about brownfields and greyfields. Why don't you just go out and development them right now?

**Mr. DeSantis Jr.:** There are costs involved with that as well. There are insurance and liability issues. The cleanup costs of some of these sites are prohibitive as well. That's a major stumbling block, especially in Hamilton, where there is industry that closed up years ago and there are sites that are just—you couldn't give the properties away because it would cost too much to clean them up.

**Mr. Hudak:** So who should pay for that?

**The Chair:** Thank you. You've exceeded your time.

**Ms. Churley:** Mr. Hudak asked some of my questions, perhaps in a different spirit than I would have asked them, but I do want to pick up on the issue of the spiralling costs of housing, should this growth be limited in certain ways, as per this act. I brought this up yesterday, and so did the city of Barrie and others. Evidence and studies suggest that right now quite you're frequently not looking at the externalities of the cost of development when it's not built up in, I guess, sprawl. The infrastructure and such, we hear from towns, are being subsidized. So in a funny way it's subsidized housing already, in that municipalities have to pick up some of the costs of the infrastructure. It's not just me saying this; there are studies. But also, towns are coming to say that changes need to be made around the 10% discounting and some of the other issues around having to pick up the costs of sprawl.

My question would be, how do you balance that out, when you say, on one hand, that limiting some of this sprawl and development would make the cost of housing



go up, but municipalities are saying they can't keep on subsidizing the costs of sprawl?

**Mr. DeSantis Jr.:** For every study that says a city is subsidizing sprawl, I'd say there's another study that says that's a fallacy. Being responsible and well-balanced is what we're looking for. We would like to see, and our association would like to see, some recognition of what Hamilton has done in the past, as you see in the numbers, compared to Oakville, instead of the arbitrary 40%. Where was that number picked from? We don't know. Everyone we've asked at the province hasn't been able to give us a definition. That's how I would answer that question. It has to be balanced. It has to be an agreement. Our association has worked out in the past with the city of Hamilton what development charges are fair, what's in the provincial legislation and what works for both sides. We're not always thrilled with it, but we'd rather work together than fight over it.

**Mr. Rinaldi:** Thanks very much, gentlemen, for the presentation. A comment, and maybe a question. Just to clarify where the 40% intensification number comes from, I would suggest that you check our PIR Web site, Places to Grow. There's an enormous amount of information on how those numbers have been arrived at. I just wanted to clarify that.

The other comment I'd like to make is that Hamilton needs to be congratulated for its great work. It has been a leader in the revitalization of some of their brownfields. There's a long way to go; they're not done. But they need to be congratulated.

In your presentation, you indicated that you did support a certain type of intensification. To achieve the goals that the province has set forward, whether we agree with them or not, what do you need, from a home builder's perspective more specifically?

1700

**The Chair:** Before you speak, could you identify yourself for Hansard, please?

**Mr. Michael Foley:** Certainly. I'm Michael Foley.

Currently, the city of Hamilton is undertaking an intensification study to identify appropriate brownfield and greyfield development opportunities. Of course, with intensification you need three ingredients: (1) the demand for the product, (2) we have to ensure that there's a proper supply, and (3) community acceptance. We're afraid that an arbitrary 40% or an intensification area of 200 persons or jobs per hectare simply isn't appropriate in the urban fabric of Hamilton. There are only two areas in the province, those being downtown Toronto and Yonge and Eglinton, that are developing at 200 persons or jobs per hectare.

Don't get us wrong; we love Toronto. But when we travel along the waterfront, we actually want to see the water. I think we would like to make sure that there are not buildings in our way and, if the intensification study proves that it's at a lower density, we should have the ability to do that without amending legislation.

**The Chair:** Thank you, gentlemen. We appreciate your being here.

## UNIVERSAL WORKERS UNION, LOCAL 183

**The Chair:** Our next delegation cancelled this morning at 11 o'clock, so we're moving on to the Universal Workers Union, Local 183. Welcome. Thank you for being here. Could you identify yourself for Hansard and the group that you speak for. When you do begin, you will have 15 minutes. Should you leave some time at the end, we'd be happy to ask questions or make comments on your delegation.

**Mr. Andy Manahan:** I'll try to leave some time. Good afternoon, Madam Chair and members of the committee. My name is Andy Manahan. I'm the development promotion representative with the Universal Workers Union, Local 183. It's indeed an honour and a privilege to be given this opportunity to address the committee on this last day of hearings on Bill 136 and to provide comments on the draft growth plan for the greater Golden Horseshoe.

Local 183 is a construction union that represents 34,000 workers and their families in the greater Toronto area. Our workforce has been instrumental in meeting the demand for new housing, water and sewer, transportation and other infrastructure that is critical to accommodate a rapidly growing population. We therefore have a first-hand understanding of the importance of the construction industry to city-building and the role of infrastructure investment to the province of Ontario and its citizens.

Local 183's executive, staff, members and their families are proud to have collectively contributed to Ontario's economic and social well-being, and we will continue to play a significant role in accommodating the phenomenal growth in this region. Forecast annual migration levels, according to the Hemson report that was done for the province, are expected to be 96,000 on average from now until 2011. Between 2011 and 2031, average migration to the greater Golden Horseshoe is projected to be 86,000 per year, so I think we're going to maintain quite a steady level of migration to this region.

Local 183 supports the general thrust of having the province of Ontario become re-engaged in big-picture planning and infrastructure investment. In fact, we fully agree with the statement by the greater Golden Horseshoe committee that "extraordinary growth requires extraordinary change in the way we do business."

The establishment of growth plans, if properly implemented, will differentiate Ontario as having a more highly refined strategic focus that will enhance overall prosperity and quality of life. In Local 183's response to the Places to Grow discussion paper last September, we commented that the greater Golden Horseshoe is the economic engine of Canada. For this success to continue, "growth must be planned for and managed in order to enhance our economic opportunities while protecting our environment for future generations." As such, we support the preamble and purposes contained in Bill 136.

The growth plan for the greater Golden Horseshoe recognizes that to be effective, planning must be done on



a wider geographical area. Having a long-term planning horizon, combined with a regional infrastructure investment plan, will enable Ontario to make decisions about growth in a coordinated fashion. We support and await the announcement by the Ministry of Public Infrastructure Renewal of a 10-year infrastructure strategy.

The preamble speaks of an “integrated and coordinated approach” that will “contribute to maximizing the value of public investments.” In addition, it is worth emphasizing that this approach will undoubtedly foster greater private sector investment, whether it is new housing developments or businesses that are looking to expand or relocate from another jurisdiction.

In our view, the major impediment to the successful rollout of this plan is the lack of funds for major infrastructure. Reinvestment and new investment in transit and transportation systems are the obvious areas to make the plan work. Of course, other infrastructure, such as water and waste water systems, must be upgraded and expanded to accommodate growth. There’s a whole range of other issues, such as waste management, of course. In this regard, Local 183 has supported a range of innovative funding schemes such as the gas tax and tax increment financing districts for brownfield redevelopment.

More recently, we have joined the campaign to achieve fair funding levels from the federal government. Local 183’s business manager, Tony Dionisio, and I sent a letter to Prime Minister Paul Martin last week urging “constructive dialogue” and concluding that “the funding gap in Ontario is a serious issue that requires your immediate attention and leadership.” We are pleased that a meeting between the two leaders is planned for next week.

Local 183 released a report a year ago on the infrastructure funding gap, which was submitted to the MPIR as a result of its discussion paper, *Building a Better Tomorrow*. Our report pointed out that many jurisdictions have used public-private partnerships to lever some of their public infrastructure requirements.

We recommend that Ontario move on this front quickly and strategically. For example, major public pension funds are willing to invest more of their assets in infrastructure, but this money is fluid and can be invested in other jurisdictions if Ontario does not offer an appropriate framework for this investment.

Our construction union works closely with our management partners in delivering infrastructure and building new housing to help meet the growth that occurs in this region. Collectively, our industry has repeatedly advocated for greater investment to overcome the capital and operating shortfalls in infrastructure. In a recent opinion piece, the president of RESCON called the current situation “dumb growth,” which he defines as “a condition marked by the inability of multiple layers of government to coordinate long-term planning and programs in the public interest.... In the building industry, the problems associated with piecemeal government planning are now painfully evident. The process is becoming

less transparent, less predictable and less timely. Whether the field is green or brown, the building industry is frequently being shown the proverbial door.”

More compact development is definitely called for, but the lengthy approvals process and the more lucrative property tax base with single-family-type housing are barriers. Hemson Consulting’s growth outlook report is sobering because it points out that declining household size has serious implications for the housing mix. Basically, more housing units are required just to house the same, generally aging, population. Under the even more compact development scenario for the GTA-Hamilton in the Hemson report, there would be a dramatic shift away from single and semi-detached housing, currently trending at 54% of the mix. In the report, they suggest that to reach that even more compact scenario by 2021, only 26% of new housing would be single and semi-detached, with 52% in the apartment category. This type of reversal of consumer preferences toward higher-density housing will be difficult to achieve without financial incentives and functional regulatory tools to encourage even more intense development.

At a January seminar on Bill 136, Burlington Mayor Rob MacIsaac commented that “the only thing people oppose more than urban sprawl is intensification.” The NIMBY syndrome is understandable—

*Laughter.*

**Mr. Manahan:** It’s a truism.

The NIMBY syndrome—people have been using this phrase for many years now—is understandable when higher-density or infill projects are being proposed that might increase traffic gridlock, especially when infrastructure investment is not keeping pace with growth. Anti-growth sentiments must be tackled through increased investment as well as awareness campaigns.

At the end here, I’ve just summarized a few comments on the proper functioning of growth plans related to Bill 136:

(1) Intensification strategies need to be bolstered by complementary regulatory mechanisms and financial incentives.

(2) A sustainable source of funding for transit is mandatory to be able to achieve the growth vision. A continuous transit expansion strategy must be implemented, with funding from all orders of government.

(3) Establishment of a 40% intensification target is reasonable as long as other elements of the plan are in place.

(4) Implementation of the sub-area concept for the GGH will be challenging, but if this concept is to be more effective, there must be an emphasis on watershed-based planning and engineering.

I’ll just say as a footnote that one of the groups we work with is the sewer and water main contractors’ association, and that is the direction in which they do a lot of their planning right now in terms of that type of infrastructure.

(5) We agree with the Ontario Professional Planners Institute that the sub-area growth strategies be prepared no later than June 2006.



(6) Any provincial funding that is provided through the province's infrastructure programs must ensure that these funds are directed to municipalities that have approved official plans that conform to the growth plan. The new OPs should conform within one to two years.

(7) A 10-year statutory review is relevant for this type of plan, but it should be noted that other documents such as official plans and provincial policy statements are intended to be reviewed every five years. Consideration should be given to aligning the time periods so there is a common review cycle.

1710

(8) The environmental assessment process must be streamlined, particularly for transportation projects that are required to meet the objectives of establishing centres and corridors. OMB decisions must be consistent with the objectives of the growth plan.

(9) A provincial facilitator must be appointed to help expedite planning and development decisions and to resolve disputes that are critical to meeting the objectives of the plan. While there are proposed ministerial powers to do this, this should be considered a last resort.

(10) Greater certainty would be engendered if regulations pertaining to Bill 136 were filed concurrently.

(11) Finally, an educational campaign revolving around the merits of the growth plan for the greater Golden Horseshoe must be put in place. The fact that Toronto's new condominium market represents one third of all new home sales and is probably growing a little bit beyond that—maybe in the 37% range—demonstrates that consumer preferences do change. An ongoing marketing campaign, therefore, will assist in this process across other market or sub-areas.

In conclusion, we are supportive of the proposed legislation as long as there is a concomitant investment in infrastructure. Thank you again.

**The Chair:** There are just under two minutes, so about a minute and a half for each party, beginning with Ms. Churley.

**Ms. Churley:** Thank you very much for your presentation. I liked your comment about NIMBY. In a meeting a long time ago in my community, I had a tomato thrown at me because I was supporting some infill. But I did support it—I was brave—and everybody's happy now. You're quite right that that continues to be an issue, but I think we all agree that the time has come. I believe that's what you're saying: Politicians have got to work closely with the communities—

**Mr. Manahan:** Make the tough decisions.

**Ms. Churley:** —and make the tough decisions, and then you will create the most beautiful that you can that fit into the neighbourhood. I assume that's the—

**Mr. Manahan:** Even in your neighbourhood, along the Danforth, we should have been doing main-streeting a long time ago.

**Ms. Churley:** I know. I was on city council when that plan came up, and it never came to fruition. Now's the time to bring that back again.

**Mr. Rinaldi:** Thanks very much for the presentation. If I may, Madam Chair, just a quick commercial: Thank you for establishing one of your training facilities in my riding in Cobourg.

**Mr. Manahan:** You're quite welcome. We enjoy being there.

**Mr. Rinaldi:** It's fantastic. I guess it helps bring the workforce back to what it should be, so I thank you for that in a very positive comment.

Having said that, you made some good points and you talked about tools to make sure this happens. Because time is fairly short, can you elaborate more on the importance of transit in making this work when you're talking about intensification?

**Mr. Manahan:** I just put on my button a little while ago. It's for the subway to York U. In terms of the TTC, this would be—

**Mr. Rinaldi:** It wasn't planned.

**Mr. Manahan:** It wasn't at all. This would be considered our number one priority. I'm also on the board for the Smart Commute Association, based out of York University. The subway to York should have been built 20 years ago. It's one of those things where gridlock has become worse because of it. If we present the opportunities to car drivers to take other options—I think one of the previous speakers talked about making that environment more comfortable—then we would attract riders and hopefully take cars off the road.

**Mr. Rinaldi:** I like the Tim Hortons idea, by the way.

**Mr. Hudak:** Thanks for your presentation. How much time do I have?

**The Chair:** Because not everybody used it, you get three minutes.

**Mr. Hudak:** Andy, why is the button red?

**Mr. Manahan:** I don't know. I think it's the York University colour, actually, red and white.

**Mr. Hudak:** The government usually likes red documents better.

**Mr. Manahan:** I should add that I'm here with respect to fair funding on a non-partisan basis, because I believe that Bob Rae, Mike Harris and others have all lobbied for a better deal with the federal government.

**Mr. Hudak:** There you go.

**Ms. Churley:** He should be a politician.

**Mr. Hudak:** I know. It's a good answer.

I had a bunch of questions, actually. You talk about financial incentives to get people to change their preferences for intensification. Do you have any particular suggestions of what those should be? You talk about 40% intensification targets as being reasonable. Should that be for all urban growth areas, or should it be an average across, with rewards for those who exceed it? And lastly, why is it important that environmental assessments should be streamlined, particularly for transportation and transit projects?

**Mr. Manahan:** Maybe I'll work backward. I think transit projects make a lot of environmental sense, because they do take cars off the road. If we can't streamline those and it takes 10 years or whatever to get



an EA done, then we're just going to be moving backward.

I'll move to the first question. The TIFs, I guess, would be a great example of trying to get brownfield redevelopment done. Again, a previous speaker talked about the liability regime, but TIFs in the US work tremendously well. Basically you don't want to take a lot of the property taxes out of the project when you're just trying to get them started, but over a 25-year period those taxes should be at a higher level, and it's certainly better than getting zero taxes if you let those sites sit idle.

The middle one was to do with?

**Mr. Hudak:** Incentives for consumers to shift preferences to intensified housing projects.

**Mr. Manahan:** OK. The US has a number of examples where they do that, like location-efficient mortgages. If you locate close to your place of work, there's a slight discount on your mortgage with the financial institution. That's kind of a creative, innovative way—

**Mr. Hudak:** Subsidized by the federal government?

**Mr. Manahan:** Yes, and that's a big difference. The federal government in the US takes a big role in terms of smart growth.

**Mr. Hudak:** Great.

**The Chair:** You still have a minute, if you want.

**Mr. Hudak:** I still have a minute? Excellent.

*Interjection.*

**Mr. Hudak:** No, but it's true. The Hamilton home builders' association said that if housing prices go up for detached homes, it's younger people, new families and immigrants coming to the country who will pay that price. Is that entirely fair? Those who own that land will have a windfall. How would you address that? People will still choose that area, but they'll be paying a higher price. Is that entirely fair?

**Mr. Manahan:** I think choice is going to be critical. Again, the previous speaker said we're not a communist state, so you have to have choice. The tomatoes that were thrown were probably grown in a backyard somewhere, so people still want a little yard. It doesn't have to be a 50-by-100-foot lot, just choice.

Affordability is very important. I think there are different ways of doing things in terms of the way you configure buildings on lots and so forth. Some of the planning requirements for stormwater ponding in school sites result in a net usable area that's lower than it should be, because they do take up a lot of land. I think things like that, the big-picture items, could be looked at.

**The Chair:** Thank you very much. We appreciate your being here today.

**Mr. Manahan:** We could go on forever.

**The Chair:** Yes, we could. Very interesting. Thank you.

KAGAN SHASTRI

**The Chair:** Our next delegation is Kagan Shastri, Barristers and Solicitors.

**Mr. Ira Kagan:** Good afternoon, Madam Chair and members of the committee. My name is Ira T. Kagan. I'm with the law firm Kagan Shastri. I am a lawyer, and I represent conservation authorities and municipalities, local area residents, landowners and developers.

I've appeared before this committee in the past, most recently in February when you were considering the Greenbelt Act. At that time, I urged your committee to bring both reforms—greenbelt and growth—forward at the same time. I made this recommendation, and I thought it was essential because I understood that this government counted on the success of both reforms, not just the greenbelt reform, to achieve two important goals: (1) to contain unwanted urban sprawl and (2) to accommodate urban growth smartly, or smart growth.

I'm not here today to suggest that these goals are not worthwhile. They are, and I doubt you'll find many people who think they are not. Unfortunately, in their present form, these reforms are severely flawed and will not leave the positive legacy for Ontario that this government desires. The Greenbelt Act and plan are deeply flawed. Unfortunately, the Places to Grow Act and the draft growth plan, as drafted, will fail to meet these goals.

Frankly, in the time allotted to me, it's impossible to review all of the areas in the Places to Grow Act that require attention, so I'm going to concentrate on three areas. The first is going to be accessory suites, the second is going to be parkland dedication rules and the third is going to be an analysis of what I think is going on in this government, which is, "Do as I say, not as I do," and this gives me the most trouble of all.

I'm going to start with the easy one, accessory suites. This idea is not new. It was law in 1994 as a regulation under the Planning Act. It provided for immediate intensification in existing built-up areas. It wasn't a free-for-all. It had rules respecting minimum unit sizes, parking, building alterations, window separations etc. It allowed for an immediate intensification in existing buildings.

I'm recommending that this committee take a good, close look at incorporating this provision in the Places to Grow Act itself or, alternatively, as a concurrent amendment to the Planning Act. Can anyone deny that a basement apartment makes a critical contribution to housing in the GTA and, in most cases, affordable housing? These new rules would ensure that the units meet building and fire codes. They'd allow for immediate residential intensification of ground-related units. And let's not fool ourselves, that is the most desirable type of housing that people want today. It would maintain the built form of the neighbourhood. I don't understand how this is not a win-win situation. There's only a passing reference in Places to Grow about this notion, and I think it deserves a closer look.

1720

My second topic is parkland dedication. Some people may wonder why I'm talking about parkland dedication on a day reserved for Places to Grow. It's because the current requirements respecting parkland and the manner



in which they are used, especially for high-density residential development, are a direct and severe limiting factor on the ability of landowners to deliver residential intensification at affordable prices. Places to Grow can encourage residential intensification, but if the resulting units are too expensive to build or if the amount of land left over to build upon is too small, it isn't going to work. When I speak of high-density development, I'm not just talking about high-rise apartments; I'm speaking of row houses, stacked townhouses and low-rise apartments. All of these, when you do the math, result in high-density development.

The Planning Act contains the rules for parkland dedication. In greenfield situations it's usually done by subdivision, and in intensification it's usually done by way of rezoning and site plan approval. In both cases, a municipality is allowed to take land or cash or any combination of the above. For residential development, the maximum amount they're allowed to take is 5%, unless they decide to use an alternative formula that the Planning Act allows. This alternative formula results in an enormous taking, and I want to give you an example.

The formula is one hectare of land for every 300 dwelling units constructed. This is the law today. These dwelling units can be any kind of dwelling units. They don't distinguish between little bachelor apartments and great big houses. A unit is a unit is a unit. What's readily apparent is, these little bachelor apartments can't possibly contain the same number of people as a great big house. There's no relationship whatsoever in the current rules between how many people are going to live in an area and how much parkland the municipality can take. This needs to be fixed.

Let me give you an example. There's a nine-acre site in a very built-up area of the GTA. It's on a transit route. What's proposed on this nine-acre site is 800 dwelling units: 200 in townhouses and 600 in apartments. This development has already won urban design excellence awards and is on the most major transit route in the area. This is exactly the kind of smart growth the province is looking for.

Let's see what happens when you apply the Planning Act rules. These 800 dwelling units generate a parkland requirement of 6.6 acres. We started with nine acres; we have to give 6.6 away as parkland. That doesn't even count the land you have to give for roads. There's nothing left. You'd be lucky if you could build 200 of the 800 units on the land that remains. So what does the municipality do? Sometimes they say, "Well, you're right. We can't take all the land; we'll take the cash equivalent instead." The rules for the cash equivalent are: fair market value of the land that would have been given.

I know of another example where a developer bought, in a central part of the city, a lot for \$25 million. After they did the development and the parkland contribution was calculated, the parkland contribution was more than \$25 million. Something's wrong. These costs all get passed on to the home buyer. If this government isn't concerned about rising housing costs, it really should be.

There are solutions to this. I've got a couple of ideas; I don't have time to illustrate them here. I'd be happy to sit down with members of the government or staff and talk about it.

The last topic I want to talk about is the most troubling to me. It's what I call the "Do as I say and not as I do" mentality. I'm very disturbed by some recent planning reforms that this government has brought forward. There appears to be one set of rules for residents of municipalities in Ontario and a completely different set of rules for this government. This is not acceptable. It started with the Greenbelt Act. The present path that the government is on was blazed by that act. It is a deeply flawed document which, while promoting a worthwhile goal of preventing unwanted urban sprawl and directing growth to an appropriate location, made very poor choices in implementation and in the drawing of the greenbelt map.

Let me give you some examples of the different rules that apply. For the residents of Ontario and municipalities, all land use planning decisions must conform to the Greenbelt Act. All landowners and residents of Ontario must abide by the Greenbelt Act, but the province doesn't have to. The provincial policy statement, which is the province's highest policy statement, doesn't have to conform to it. I've got references of each one of these examples in my paper. It doesn't have to conform to it. A minister's zoning order doesn't have to conform to it, but a municipality's zoning bylaw does. That's not fair. A development plan under the Ontario Planning and Development Act doesn't have to comply with the Greenbelt Act, but any other development plan would.

The greenbelt plan is also exempt from the Environmental Assessment Act. Why is there one set of greenbelt rules for all the people of Ontario and a completely separate set of rules for this government? And what has happened in the growth act? It has been repeated. Similar examples: all land use planning decisions by the Ontario Municipal Board or municipalities must comply with the growth plan, but when the province chooses to do land use planning, such as it is doing in the Ontario Planning and Development Act in Pickering, those decisions don't have to comply with the growth plan. Why not? Why is there one set of rules for us and another set of rules for the lawmaker? How is that defensible in a free and democratic society?

Just as in the case of the Greenbelt Act, minister's zoning orders don't have to comply with the growth plan, the provincial policy statement doesn't have to comply with the growth plan and—something that really shocks me—the Places to Grow Act exempts from its application the Statutory Powers Procedure Act. This is entirely unacceptable. The SPPA provides the most basic and fundamental protections of procedural fairness and due process. Why would any legislation exempt you from those protections? And the growth plan, like the greenbelt plan, was exempt from the Environmental Assessment Act.

The Ontario planning and development process is being used for the first time by this province to plan



Seaton. Seaton has been sold to the people of Ontario by this government as a new way of planning and building a community. It has been sold as a model community, an example of smart growth. Is it really? If it really was smart growth, why does the province feel the need to exempt Seaton from the Places to Grow Act? Why? Why not apply your same principles to it?

The truth is—and it's now confirmed by council resolutions from Durham and Pickering—that Seaton is not smart growth. Seaton alone, at the expense of developing in neighbouring lands which are better serviced, is not smart growth. What it is is leapfrogging. True smart growth would see limited development in Seaton and Cherrywood, not Seaton at the expense of Cherrywood. The province should lead by example and do what it directs others to do.

Those are my comments. I'm happy to answer any questions.

**The Chair:** We have about a minute and a half for each party, beginning with Mr. Rinaldi.

**Mr. Rinaldi:** Thank you for your presentation.

**The Chair:** Mr. Hudak?

**Mr. Hudak:** The last part of the presentation on Seaton—as you mentioned, Seaton would be, because of provincial initiative, exempted from the growth plan, and the government has exempted itself from the greenbelt legislation. Catch me up: What is happening at Seaton? What gives you concern, aside from the important point about the government exempting itself?

**Mr. Kagan:** Frankly, I think the public has been fooled about Seaton. They've been told early on in the process that it's going to be a new community, that it's going to be done differently from the way private individuals do it, that it'll be different from the way municipalities do it, that it is smart growth and that it is not urban sprawl. The truth is, it's the opposite on all those fronts. Seaton alone is leapfrogging. You take areas of land that are better serviced for development and you ignore them. You go around them and across them to get to Seaton, an area that has nothing in it right now—no roads, no water, no sewers—but pristine trees and more environmentally sensitive areas. If I tried to develop Seaton at the expense of the other areas, I would be banished from the municipality. It's insane.

How does the province get away with it? They get away with it, first, by telling people it's smart growth without proving it and, secondly, by exempting itself from all the smart growth rules that would otherwise apply. You make the rules; you can win the game.

**Mr. Hudak:** So Seaton is not going to hit the province's intensification effort?

**Mr. Kagan:** I'd love to see how. Here's the problem: That plan is still in draft stage, so I haven't been able to test the final results of the plan, but when I test what we have right now, it doesn't even come close; absolutely not.

**Mr. Hudak:** Any idea what type of housing the government plans there? Is it single detached large lots?

**Mr. Kagan:** I can't tell you the lot size, because that level of detail isn't out yet. There is certainly a lot of ground-related residential there, so I assume there would be singles and I assume there would be semis. I don't think the government is suggesting for a moment that you're going to have nothing but apartment buildings in Seaton.

**Mr. Hudak:** The Places to Grow legislation has a significant role for the province in planning. In fact, some of the regions have come forward to say they've taken over regional responsibilities, and some municipalities have an opposite view. Where do you think that balance should be between the plans, and what level of government should have the greater influence on what those plans look like?

**Mr. Kagan:** If I was going to take a very practical approach to it, I'd say whoever does it better should be the one to do it. I can't imagine for a moment, with all due respect to the province of Ontario, that their more limited staff—they know less about individual areas than local staff do. I can't imagine how they think they're in a better position to plan. What they should really be doing is having a coordinating role between the regional governments, not doing the regional governments' job for them.

1730

**Ms. Churley:** Nice to see you again.

**Mr. Kagan:** Thank you. Same to you.

**Ms. Churley:** We don't agree on some things, but we certainly do on others. I particularly agree with you about the government being left out of the greenbelt rules. I did make amendments for that reason, but they weren't accepted by the Liberal government, I believe, to protect the highways and other infrastructure that they're building throughout the greenbelt.

The other issue you brought up that I agree with is leapfrog development. I guess I wanted to ask you a question about the south Simcoe sprawl. You brought up Seaton in particular. Are you aware of the leapfrog development that's happening up there, and do you think that's fair?

**Mr. Kagan:** I'm afraid I don't know enough about—

**Ms. Churley:** You don't know the situation?

**Mr. Kagan:** I'm afraid I don't. I've really been concentrating on the area south of the moraine, so I wouldn't want to speculate.

**Ms. Churley:** We'll go back to Seaton, then, because that's what you know, and the leapfrog development you're talking about there. What are the implications for developers, for instance, in that area? What is your biggest concern beyond environmental impact and sprawl impact and all of those things?

**Mr. Kagan:** I will answer that question, but I don't want to underemphasize the severe environmental impact that will occur if Seaton is not developed properly or, even more importantly, if it is developed at the expense of other areas. Why anyone would choose to develop that area and prohibit development in other, better areas I will never understand. But if you're forced to look at it there



and ask the question, "What will it mean?" first of all, it will mean a lot more money for everybody to have to spend. It doesn't matter whether it's the province of Ontario putting in this extremely expensive infrastructure or local municipalities, or whether they get passed on to home buyers, it's all going to cost more money. That's why one of the first principles in smart growth is, use existing infrastructure wisely. That's the first rule of smart growth. It's broken in Seaton. Everything else that's bad flows from there.

I'm not here to say there should be no development in Seaton. Please understand I've never said that. There should be development in both Seaton and Cherrywood; not all of both but enough of both to achieve smart growth.

**The Chair:** Thank you very much for being here today.

#### DUFFIN CAPITAL CORP.

**The Chair:** Our next delegation is the Duffin Capital Corp. Do you have a handout?

**Mr. Mark Flowers:** I do. It's just going around now.

**The Chair:** OK. Could you identify yourself for Hansard, and the group you speak for. When you do begin, after you've introduced yourself, you'll have 15 minutes.

**Mr. Flowers:** My name is Mark Flowers. I'm a lawyer with the law firm Davies Howe Partners, and we represent Duffin Capital Corp.

Duffin Capital is a member of the West Duffins Landowners Group, a landowner in the Cherrywood area of the city of Pickering—Mr. Kagan just referred to Cherrywood. This area is also sometimes referred to as the Duffins-Rouge Agricultural Preserve.

In February, I attended before this committee on behalf of Duffin Capital to make a presentation regarding Bill 135, which of course now is the Greenbelt Act. At that time, I argued that Bill 135 and the greenbelt plan were, for a number of reasons, fundamentally flawed and in fact contrary to a number of principles supposedly espoused by this government.

Just to highlight a few items: rather than giving locally elected decision-makers the ability to guide development in their communities, I asserted that Bill 135 centralized land use planning decision-making powers here at Queens Park. Likewise, rather than making the planning process more open and transparent, I observed that the bill and the plan eliminated several fundamental private property rights and procedural safeguards and established a greenbelt with boundaries that, even to this day, the province is either unwilling or unable to justify on the basis of actual science. In addition, I argued that based on the principles by which the Golden Horseshoe greenbelt was apparently being established, Cherrywood had no place in such a greenbelt. Unfortunately, my presentation fell on deaf ears, because, as we all know, the government ultimately included Cherrywood within the greenbelt.

Moving ahead, since that time, Bill 136 has received second reading and the province has now released its draft growth plan for the greater Golden Horseshoe. I can say that having read those two documents, we are more convinced than ever of two things: first, that this government has very little respect for local land use decision-making powers, and secondly, that Cherrywood ought to be removed from the greenbelt and in fact now be identified as a growth area.

Like the Greenbelt Act, the crux of Bill 136 is to strip local municipalities of their independent planning powers and eliminate a number of fundamental individual rights through the following measures: mandating conformity with the province's growth plan, providing no rights of appeal, providing no right for individuals or municipalities to apply for an amendment to the plan—of course, that's only by the minister, eliminating any procedural safeguards that would otherwise apply under either the Statutory Powers Procedure Act or the Environmental Assessment Act—and, like the Greenbelt Act, purportedly eliminating any right to seek any redress or remedies through the courts.

Bill 136 does make provision, admittedly, for the appointment of hearing officers. They can receive representations regarding the proposed growth plan or any amendments that are proposed. However, the value of this process is really questionable when one observes that the hearing officers are simply there to make recommendations and all final decisions rest with either the minister or the cabinet and, again, are not subject to appeal. In essence, the possibility of these hearings is likely nothing more than an attempt to give the appearance of openness, but in reality, it's yet another example of the unnecessary centralization of decision-making power.

Turning to the growth plan, I've identified at least six key themes or principles that are mentioned in the plan for directing future growth. I think it's fair to say that these generally have broad support, but they are also principles that all reinforce the conclusion that Cherrywood ought to be designated as a growth area.

First, designated urban growth centres will be the focus for accommodating future growth and intensification. I note that downtown Pickering has been identified as an urban growth centre. In fact, it's only one of three such centres east of the city of Toronto. To fulfill that function, downtown Pickering is going to need an adequate population base to support the higher-order commercial and regional service activities. We would argue that Cherrywood, located immediately adjacent to that existing built-up area of South Pickering, is ideally situated to accommodate a portion of that population base. In other words, it helps downtown Pickering fulfill that intended role.

Second, the growth plan that is proposed encourages a balanced distribution of jobs and housing. That gives residents more opportunity to live and work in the same community. Aside from the employment growth envisioned for downtown Pickering, I'm sure many of you



will also be aware that in the fall, the GTAA announced plans for the development of a Pickering airport on the federally owned lands which are north of Cherrywood. That airport would generate thousands of jobs and would likely become the key employment node in all of Durham region. In addition, significant employment lands are being proposed as part of the Seaton plan, along Highway 407 through Pickering, northeast of Cherrywood. Therefore, accommodating some development in Cherrywood would clearly support the creation of these closer live-work relationships.

Third, a key theme in the draft growth plan, and specifically referred to in Bill 136, is the desire of the province to make more efficient use of infrastructure to maximize the value of public investment. In this regard, the proximity of Cherrywood to both existing and planned infrastructure, and its serviceability, are some of its key locational attributes. Moreover, because much of the infrastructure that is needed to service the provincially owned lands in Seaton to the east are going to run directly through the Cherrywood lands, development in Cherrywood could help to defray some of the significant infrastructure costs that will be associated with development in Seaton.

I can tell you that the city of Pickering did some analysis of the costs, and they figured that infrastructure costs in Cherrywood would in fact be roughly about half of those same infrastructure costs in Seaton.

Similarly, a fourth principle, which is transit-supportive development and supporting that type of development, is envisioned for Cherrywood. Development in Cherrywood would also provide that additional ridership base to assist in making transit in Seaton a more viable option.

Fifth, the draft growth plan calls for the protection of environmentally sensitive lands as part of a natural system and the protection of viable, prime agricultural land. Again, development in Cherrywood does not compromise these principles. The area has been extensively studied and been found to contain no provincially significant environmental features nor any rare species of plants or wildlife. Similarly, recent agricultural studies have concluded that Cherrywood is an area of low agricultural viability and, relative to other areas, low agricultural priority.

By contrast, recognizing, as the growth plan does, that some greenfield development is going to be necessary to accommodate Durham region's forecast population growth, leapfrogging over Cherrywood in favour of more peripheral locations could very well result in development occurring on lands that have environmental sensitivity or have higher agricultural priorities.

**1740**

Finally, my sixth point is that the growth plan discourages piecemeal expansions to urban boundaries. Instead, it speaks of the need for comprehensive reviews. In this case, the city of Pickering, since 2002, has been undertaking a comprehensive growth management study. It was initiated, in fact, on the recommendation of the

Toronto and Region Conservation Authority, so it had an environmental basis as its foundation.

Unlike the province's planning for north Pickering under the Ontario Planning and Development Act, Pickering's growth management exercise has been comprehensive. In fact, it has actually considered and evaluated multiple land use scenarios. That's contrary to the province's plan. It has been open, in that the public has actually been given a meaningful opportunity to participate in the process. It has also been transparent, in that all of the supporting studies, as part of the growth management exercise, have been made available for public review and scrutiny. Again, that's certainly in contrast to the province's planning in Seaton. Thus, by all accounts, development in Cherrywood would be consistent with the growth principles that are being espoused in the draft growth plan, and it represents an ideal location for future growth.

On that basis, if the province decides to proceed with Bill 136 and the growth plan, we are urging the government to remove Cherrywood from the greenbelt and identify it in the growth plan as a designated growth area.

Just to be clear, it's not only our client that is making this request. As Mr. Kagan mentioned, on April 11, Pickering council adopted a staff recommendation to remove Cherrywood from the greenbelt and identify this community as a designated growth area, which is consistent with the recommendations of the growth management study. The handout I've given you is the council meeting minutes from April 11. You'll see that on page 2, recommendation number 3—this was a staff recommendation which was endorsed by Pickering city council—reads, "That Pickering council request the Minister of Public Infrastructure Renewal to coordinate the transfer of the Cherrywood community from the greenbelt plan to the growth plan under a designated growth area category, consistent with Pickering's approved growth management study."

As well, I guess it's fair to say that for some time now, there has been some speculation as to the region of Durham's position with respect to Cherrywood. There's certainly been no speculation as to Pickering's position. They've gone through a growth management exercise. In fact, they've passed a bylaw adopting an official plan bringing Cherrywood into the urban boundary. In the region of Durham, there's been a little more speculation, but I would suggest that that was answered on April 13. Regional council, by an overwhelming majority—in fact, the vote was 21 to 5—adopted a response to the draft growth plan that includes a similar request to the minister to remove Cherrywood from the greenbelt and identify it as a designated growth area. I've attached pages 4 through 8, a copy of that resolution, and I draw your attention to the very last page, page 8. At the top of that page is the resolution, the item that I'm specifically referring to. Again, that passed recently by a 21 to 5 vote at regional council.

With these unambiguous council resolutions in hand, the question now for the government really is quite clear.



Our client's attempts to engage the province in a meaningful and fair dialogue about Cherrywood have repeatedly met a brick wall. The question, then, is, will this government, one that claims to respect local decision-making and the authority of municipalities to guide development in their communities, continue to maintain its ill-founded policies for Cherrywood and, in doing so, ignore the express wishes of the elected officials of both the local and regional municipalities, as reflected in these resolutions?

I would suggest that if that is the government's intention, it certainly represents a shift in policy from 2000. At that time, Ontario Realty Corp. had recognized that the long-term use of the Cherrywood lands would be determined by the local municipalities. I don't have it as part of the handout; I can hand out one copy, and if any members of the committee would like a copy, I can certainly provide it. It's a letter from Brad Searchfield, the executive vice-president of ORC, to the city clerk at the city of Pickering. It's dated January 19, 2000. It's a letter dealing with the tenant purchase program, which was the program by which the government sold the lands to the former tenants of the land. It's important to remember, as well—because there have been some media reports, I know, praising the province and ORC for taking the stance that they are now and criticizing the city for releasing the agricultural easements—in the context of this letter, that these lands were expropriated by the province in the 1970s. And they weren't expropriated for the purpose of protecting open space, and they weren't expropriated for the purpose preserving agricultural land on a permanent basis; rather, the purpose of the expropriation was to develop an urban community of about 250,000 people in conjunction with what was being proposed as a Pickering airport at that time.

In any event, to the letter. I think the last couple of paragraphs are quite instructive of the province's view, at least in 2000, with respect to the future use of the Cherrywood lands. Mr. Searchfield writes:

"Similarly, since the inception of the tenant purchase program, and as a matter of government policy, we have recognized that local land use planning is a matter within the control of the town of Pickering and the regional municipality of Durham. Subject to the limited role of the province in the Planning Act, matters of local land use planning are not"—and that word is underlined—"the responsibility of the Ontario Realty Corp. or the province of Ontario.

"With the town of Pickering holding the agricultural easement and the official plan, responsibilities of the town and the region in respect of the designation of this land as 'agricultural,' we believe it is essential that the community understand that notwithstanding the inevitable interest of developers in this area, any future use of these lands is protected by its zoning, the official plan and the agricultural easement. The long-term use of these lands rests with the community and their elected representatives at the municipal and regional level."

That was the position of the government in 2000. We see, with respect to that, that now the local and regional

municipalities are saying, "Take Cherrywood out of the greenbelt; put it in a designated growth area." That's similarly our request. Thank you.

**The Chair:** You've left about 30 seconds.

**Mr. Flowers:** Sorry.

**The Chair:** That's OK. Beginning with Mr. Hudak. That doesn't allow you three questions, just to let you know.

**Mr. Hudak:** Cherrywood seems to be a very emotive issue. Obviously Pickering council had made some moves which would make me think that some promises were made. Did the government make some promises surrounding Cherrywood? Were there any commitments made by government or government officials that something would change?

**Mr. Flowers:** Sorry, with respect to the province or—

**Mr. Hudak:** Yes, government officials, cabinet ministers, advisers. It just seems so curious that there's so much energy and emotion around this.

**Mr. Flowers:** All I can say is, certainly as part of the Liberal government's campaign platform, they identified the Duffins-Rouge Agricultural Preserve as lands that would be possible for inclusion in the greenbelt. But beyond that, from the 1970s through the 1990s, the government owned the lands with the intention of creating a community on these lands.

**Mr. Hudak:** But nothing more recent that would cause Pickering to take the easements off, for example? I'm just wondering if some signal was given by government.

**Mr. Flowers:** I think the city of Pickering recognized that they were the holder of the easements and they are entitled to remove them. They've gone through a growth management exercise that has identified these lands for development. They've adopted an official plan amendment that says they are to be developed. It's simply one step in that process.

**Ms. Churley:** Mr. Flowers, you know my position on this. I put out a press release stating it.

**Mr. Flowers:** I'd be happy to read it.

**Ms. Churley:** We won't get into that. I want to ask, what do you say to those who argue that the province needs to play a central role in land use planning? Often municipalities, and we've seen evidence of it, become captive to interests of developers for a number of reasons and sometimes take actions that are not sound planning decisions. What do you say to that argument?

**Mr. Flowers:** I think the province does have a role to play in planning, and, in fact, it does and it always has played a role. We can even note that this government has made modifications to the provincial policy statement. It has toughened up the language to say that planning decisions "shall be consistent" with the provincial policy statement, as opposed to "have regard to." We'll see whether or not that results in different types of decision-making. But when you talk about trying to ensure that sound planning occurs and that planning is done right, we really have some concerns with the province's role now in Cherrywood. From the presentation I made and the



growth management exercise—certainly all the studies that we've done—I think the evidence is overwhelming that development in Cherrywood is sound planning. It's smart growth. In fact, the province is the one that is contemplating something very different that we would say is not smart growth.

**Ms. Churley:** She's not going to let me pursue this, which is really unfortunate.

**The Chair:** No. Nice try.

**Mr. Flowers:** We can do it another time, I'm sure.

**Mr. Rinaldi:** Thank you very much for the presentation. I don't see the relevance to the bill in front of us today. I really don't have any questions.

**The Chair:** Thank you for your delegation.

#### URBAN STRATEGIES INC.

**The Chair:** Our next delegation is Urban Strategies Inc. Mr. Berridge, welcome. I am anticipating some bell ringing shortly. So if they start ringing, I will stop the timer that I turn on when you begin speaking and we will recess and come back, and you will have the exact same time as when we stopped. I apologize that there may be an interruption in your delegation. We may have to go back and vote, but we do want to hear your delegation. Before you begin, could you identify yourself and the group that you speak on behalf of for Hansard?

**Mr. Joe Berridge:** Certainly. My name is Joe Berridge. I'm a partner with Urban Strategies Inc., which is a Toronto-based planning and development consulting firm, and I'm speaking on my behalf.

I'm here in support of Bill 136. We were involved in part of the Places to Grow document, particularly in advising on the 40%-60% technique for growth management. But I want to speak in support of it essentially as a professional planner. Our practice works all across the world in a lot of the developing countries, and they're all facing exactly this problem. There's a lot to learn from them about what to do and a lot to learn from them about what not to do.

I think it's important, first, to understand that the Toronto region, the greater Golden Horseshoe, has a problem that is probably larger than almost any other city in the developed world. It is growing at a rate on the order of 125,000 people a year. That is certainly larger than any city in Europe and larger than nearly all North American cities. The result of this is that we are going to be one very big urban place in the next decades. At some point in the next 15 years or so, we're going to become the third-biggest urban area in North America. We're going to pass Chicago. We're going to end up, at the end of the planning period that's contemplated by Places to Grow, with about 11.5 million people. This is a very, very sizable urban area and, frankly, it cannot be left to govern itself or we'll have an urban area that none of us have any interest in living in.

So growth management is essential for our quality of life. Unfortunately, for some, growth management does

mean intervention. It means not doing things the way you have done them before.

It's interesting to compare ourselves with other cities. There are really three cities that are interesting standards. Vancouver has adopted a standard that by 2021, 70% of the region's population has to be inside the existing urban area.

**The Chair:** You still have 13 minutes left, and I'll make sure you have 13 minutes left. We're just going to recess.

**Mr. Berridge:** Could I ask how long you're going to be, or is that an impossible question?

**The Chair:** Not too long; maybe 10 minutes.

*The committee recessed from 1752 to 1807.*

**The Chair:** We're going to reconvene. You have 13 minutes.

**Mr. Berridge:** What I was saying, essentially, is that I spend my professional life in a lot of cities all over the world. The Toronto region is experiencing growth pressures which are really larger than almost any other developed city, so this is something that you have to take very seriously.

We had a look to see what other cities are doing. Vancouver has set itself, rather than our 40% standard, a 70% standard. Sydney, Australia, has set itself a 60% to 70% standard. The United Kingdom has set itself a 70% standard for the entire country. So for us to select a 40% standard is certainly a very good start. We're currently doing about 15% to 20%. There is a lot of room, I think, for us to be able to move up and change the direction of growth so that we can achieve numbers that are comparable with what you might call the state of the art in growth management.

There are some centres, particularly in the United States, like Portland, which frankly are slipping back and aren't doing as well as we are. I think we can justifiably be reasonably proud of this initiative, which will put us, given the kinds of pressures we're under, in pretty good comparative stead to any other major western jurisdiction. But transit investment, infrastructure investment, is an essential complement. We are falling behind, again, by any comparison with other western countries. The absence of the federal government in urban transit development is really an anomaly. This is the only country of which I'm aware in which the federal government really does not play a significant role.

There's a second thing we're going to have to do: We're going to have to make it a lot easier to do the right thing. The structure of environmental assessments and, to some extent, of the OMB, is a substantial impediment to making smart growth management easy. To give you an example, on the major brownfields redevelopment of the Toronto waterfront we are subject to something in the order of 300 environmental assessments at both the provincial and federal levels. We decided we'd try to simplify it. We got it down to 200, but it was going to take more time. There is a terrible tangle of environmental assessments. It's one of the unhappy examples that the road to hell is paved with good environmental



intentions. We have replaced good environmentalism with procedural nightmares.

The last thing we're going to have to do is develop some sophisticated financial tools. We are, again, somewhat behind other jurisdictions trying to do this. Tax increment financing is a very clear mechanism that I think has gotten enough road-testing in other jurisdictions that it's something we could be using. Given our rate of growth, there really aren't the risks associated with it that there might be in other places. Brownfield tax credits, having a slightly more aggressive attitude toward brown-field rehabilitation—we can see that in the United States and Europe. I think that's something we have to do. Tax deductibility of transit passes, trying to go toward people's behaviour and incent good transit behaviour—that's the kind of thing we should be looking at. Frankly, we might have to get into something as radical as road pricing—more extensive tolling—as a behaviour management technique and also as a way of funding a lot of what we have to do. The 407 is an interesting example, obviously, of public-private partnership. We ought to be developing those kinds of mechanisms, because we're going to have to tap those capital sources much more aggressively.

There have been some criticisms, I'm aware, of Bill 136, and I'd like to deal with some of those. There have been criticisms that restraining the use of land is going to lead to house price appreciation—unreasonable increases in house prices. I think the economic truth is that what sets house prices is a much bigger set of supply-and-demand considerations. The fact that house prices are going way up right now—and if you read the *Economist* and other people, they're potentially going to go way down in a few years' time—really has very little to do with land supply. House prices are set by a much, much bigger set of factors.

There's been the whole question of whether or not we are taking away development rights. In the United States, in Portland, this has been a very big issue, and it has unwound a lot of the very good growth management planning they had there. I think that's not in the Ontario tradition, because development rights are essentially granted by the province. What I see does not remove urban development rights. What is essentially going on here is affecting agricultural use areas, non-urban areas.

There has been criticism that the growth management plan won't be effective. Again, in our study of growth management plans, the combination of the percentage mechanism plus a good fixed boundary that people stand behind and don't amend is actually a pretty effective mechanism.

There's a leapfrogging argument: "Won't this all just leap up into Simcoe county or over to Wellington?" You have to have a growth management plan for the entire greater Golden Horseshoe area, as well as just the constraints of the greenbelt, and that's why I like what we see in front of us today.

There have been criticisms of the sub-area growth strategy process. I must admit I have some sympathy

here. What we must not do in that process is duplicate the municipal or regional planning process. We've got to do those things quickly and effectively. I think things ought to be done in a matter of a few months, rather than even six months or a year.

In most places, the capability of regional and senior-level municipal planners is such that they know, for the most part, what they're doing. There are some boundary disputes; you heard some of those today. But those are the exception rather than the rule. There are places, particularly north of the greenbelt, where the province is potentially going to have to play a much more structuring role, but I think that this is something we should do quickly.

Essentially, stick to the big issues as a province. The province shouldn't be in local planning; it should be in infrastructure planning, in major allocation of population, in doing all the things either that a local municipality or region can't afford or that affect more than one municipality or region.

I don't see how we can do what we know we have to do—what is proposed to be done—without being interventionist. How interventionist the province has to be depends both on the capability of the area and on the kinds of issues and infrastructure that are required.

Back to the bill: I think what you have in front of you is something that is bold, that is at the world standard in terms of people wrestling with this particular problem. I think it's realistic, in that it understands what you can do. We are turning this great big ship of development until it catches up with the great big turn of demography of smaller households, and hopefully these things will marry at some time 15 or 20 years out. The evidence is that it's going to be effective. As I indicated before, the evidence is that it is absolutely necessary.

Thank you, Madam Chair.

**The Chair:** You've left a little less than two minutes for each party, beginning with Ms. Churley.

**Ms. Churley:** Thank you very much for your presentation. I appreciate your comments and the knowledge you have in this area.

I wanted to come back to the issue of intensification targets and the fact that you mentioned some of the other jurisdictions that are doing much better than these. You say that this is a good start. The concern, however—Paul Bedford, whom I'm sure you know quite well, mentioned it in his presentation—is that it's important to increase the minimum intensification now for the impact to be realized, that the horse has already left the barn and if we don't get it right, right now, we're not going to get it right at all, and that we have to increase these intensification levels.

**Mr. Berridge:** There are two comments. One is, without getting into the technicalities, these targets are impossible to really compare across jurisdictions. For example, when you go to England, 60% sounds great, but then you realize that this great big lump of London is in there. If you look outside of London, it's actually 40%. So we're not doing too badly.



The problem we have to face—it's a judgment thing, and that's why I think the sub-area growth strategies will do that—is that the rate of growth we're experiencing is really greater than any of these other jurisdictions. So our ship of planning is a much bigger ship than other people have to turn. We are only doing 15% to 20%. I think we've got to be realistic. To go to something that's 60% intensification right off the bat is probably going to be a stretch too far.

**Ms. Churley:** If I had more time, I'd pursue that.

**Mr. Rinaldi:** Thanks very much for your presentation and for bringing your expertise to the table to help us with this.

One of the things you touched on is that we are growing at a rapid rate. It's time we need to do this. It's been ignored. Can you just give us some idea, if we don't proceed with growth plans in Ontario, what the outcome will be?

**Mr. Berridge:** I think you're going to have horrendous conditions in a whole bunch of areas. One outcome is that the immigration levels are going to stay the same; that's not something that's under our control. We're already looking at congestion levels, at air quality levels that are completely unreasonable. As we add, we're always adding on the fringe. We're always adding in the inefficient areas. So this whole cost of running this enormous city gets worse and worse.

The thing that concerns me is that we're adding the population of Montreal to Toronto in the next 30 years. You've got to think about it in those terms. Ask yourself the question: What parks do you add when you add the population of Montreal? What community facilities, actually, what universities, what concert halls, what quality of life do you add? What we are adding in this process is this magnificent greenbelt, which is really a huge asset. This is the Montreal, the Mount Royal, for this new urban area. If we don't do that, we're short-changing all of our future generations.

**Mr. Hudak:** Thanks for the presentation. A couple of questions, following on Ms. Churley's point about intensification and targets. Could some municipalities do better than 40%? Should there be a risk-reward, some sort of incentive, for municipalities to do that and those that can't?

**Mr. Berridge:** We're going to have to incent to get those targets anyhow. Just by way of comparison, and perhaps it speaks to this point as well, we've taken Toronto out of the 40% number. If you put Toronto in, we'd actually be at 60%. So we would be right up with those other standards. Toronto is all built up, so you get an automatic credit for that.

But yes, that's why I think we need to look at tax increment and financing; we need to look at tax credits. I hesitate to go there, but the whole municipal finance/development charge-based routine can sometimes incent the wrong kind of development. There seems to be a natural tendency that you get more development charges out of low-density and you get fewer costs out of lower density. So there are a lot of financial mechanisms that underlie the current development

pattern that I think we need to be looking at at the same time.

**1820**

The sub-area growth strategy should make precise that 40%, and it should vary from place to place and come with that package of inducements and, if you like, rewards and—whatever the opposite of a reward is—penalties.

**Ms. Churley:** Carrots and sticks.

**Mr. Berridge:** That's it, yes.

**The Chair:** We don't actually have time for another question, I'm sorry to say.

*Interjection.*

**The Chair:** If it's a yes or no answer, I'll let you ask the question.

**Mr. Hudak:** Transit investment: subway, light rail or buses?

**Mr. Berridge:** All of the above, but an emphasis on fixed rail, either light or heavy. Buses themselves will not change behaviour.

**The Chair:** Thank you.

**Ms. Churley:** Highways bad?

**Mr. Berridge:** No, you need to—

**The Chair:** Thank you. We're not going to get into that debate. Thank you for your patience. I apologize for the interruption.

iPLANcorp

**The Chair:** Our last delegation today is iPLANcorp. Welcome, gentlemen. I apologize for the delay in hearing your delegation, but we look forward to your presentation. You have 15 minutes. When you do begin, could you introduce yourselves for Hansard, if you're both going to speak? When you begin your presentation, you'll have 15 minutes.

**Mr. Bob Forhan:** Thank you very much, Madam Chair.

**The Chair:** You do have to sit down to introduce yourself. Hansard won't be able to hear you otherwise. We won't be able to capture what you tell us.

**Mr. Forhan:** My name is Bob Forhan. I'm the president and CEO of iPLANcorp, which is a Newmarket-based real estate planning consulting firm. With me is Nick Pileggi, who is a member of my staff. I am a registered professional planner. I've been practising in this industry for 20 years, both in government and in the private sector. It is really interesting that I happen to follow Mr. Berridge, who is really quite eminent in our field and has travelled extensively. It's really quite interesting to hear his remarks.

Is it OK if I stand now and do my presentation? Do I have to sit?

**The Chair:** I'm sorry. I hope it doesn't affect your flow.

**Mr. Forhan:** This will be interesting.

We are here today representing Davis Downs, which is a landowner marked in red on the map. Their lands are located on the north side of Davis Drive between High-



way 404 and Woodbine Avenue, and they are on the east side of Newmarket, within the town of East Gwillimbury and on the north side of the town of Whitchurch-Stouffville.

As you can see by that map, Newmarket is quite a burgeoning municipality, to the point where it has virtually no lands left for development. In fact, all of the land in Newmarket is designated for growth. It's very likely that its land will be built out within the next five to seven years, and therefore will be constrained for future redevelopment, and future development to support what redevelopment activities go on in the town.

The next map is the greenbelt map. As you can see, the east side of Newmarket is completely designated as greenbelt. We view this as a bit of a concern for Newmarket and also for our client's lands because they abut what is an extensive piece of infrastructure, with Highway 404, and are designated as greenbelt.

The next map, which you are all familiar with, is the Places to Grow map. You will see that on the right side of the Newmarket-East Gwillimbury area is marked the 404 corridor. You will also note, which is interesting, that the 404 corridor within the greater Golden Horseshoe is really the only major piece of road infrastructure that has urban on one side and greenbelt on the other side.

I go back to the Newmarket aerial photo, which is shown in a closer view. What you'll see there, in terms of site context, is that the site is devoid of any natural features. It is a less-than-priority agricultural land use; in fact, the lands are very fragmented. To the east of the site actually is an existing industrial area, which is served by municipal services. To the north of that site is also a material recovery centre that is operated by the region of York. Immediately on Davis Drive, which is the south border of our client's lands, are municipal services. So we have municipal services and significant road infrastructure, both regional road and highway, but we are designated greenbelt.

Our observations in York region are that Newmarket is a unique area, because it is the largest urban centre north of the Oak Ridges moraine and has been designated as an urban growth centre. But there is no more land for Newmarket. This site, along with other lands on the east side of Newmarket, presents a real opportunity for Newmarket to accommodate its future growth.

The next slide says something that you're all familiar with, which is that the Places to Grow policy states, "Municipalities are encouraged to designate and preserve lands in the immediate vicinity of existing major highways ... and associated retail, office and ancillary uses." There is a conflict here, from our perspective, and we are hoping, through our submissions, that Places to Grow will designate the 404 corridor as a future growth area. Notwithstanding the fact that it's designated greenbelt now, designating it future growth now will secure the future use of that area for employment lands, which I think is really what is important here.

I'll go on to the next slide. The town of Newmarket, as I've said, is designated as an urban growth centre. You're

familiar with the town: It's 80,000 people; it's growing to 100,000 people, and that build-out will be in the next five to seven years; it is the northern centre for York region; it is the seat of government for York region; and it has major facilities, such as the Southlake Regional Health Centre, the regional administrative headquarters, York region police, the courthouse and the Upper Canada Mall. In fact, Newmarket really serves not just Newmarket; it serves East Gwillimbury, Georgina, Whitchurch-Stouffville, Uxbridge, King township and Bradford West Gwillimbury. Everybody comes to Newmarket to use the services in Newmarket.

The next slide says that urban growth centres will be planned to serve as major employment centres in the greater Golden Horseshoe. With Newmarket having a constrained employment land supply—in fact, the Hemson Consulting report says that there are 60 net developable hectares remaining in Newmarket, which would equate to about 2,700 jobs. That is less than 1% of the full employment requirements over the next 30 years in York region, while Newmarket currently has 10% share of population and 10% share of employment. These numbers will completely reduce Newmarket's position in the region of York from really functioning as an urban growth centre

1830

I want to refer to slides that are on pages 13, 14 and 15. These are quotes that are coming out of recent resolutions that you are all familiar with, from the town of East Gwillimbury, which says that it has asked the province to remove the lands between 404 and Woodbine Avenue from the greenbelt. The region of York had asked that these lands be removed from the greenbelt to permit strategically located employment lands in areas such as the 400-series highway corridors. The town of Newmarket says it reflects an opportunity to support growth for employment lands in appropriate locations, with minimal infrastructure expansions, as contemplated by the Places To Grow discussion paper. It should be reviewed to determine if the policies continue to support growth in this area. If so, the town of Newmarket should seek to make a joint request with East Gwillimbury and Whitchurch-Stouffville to the province to amend the greenbelt plan to remove the area between 404 and Woodbine Avenue from the protected countryside designation.

So our submission to this committee is that the Highway 404 corridor be designated as future growth area, and specifically for employment lands. I'd be happy to answer any questions of the panel.

**The Chair:** You've left two minutes for each party, beginning with Mr. Rinaldi.

**Mr. Rinaldi:** Thank you very much for your presentation. I have a question that's taking advantage of your professional expertise. You talked about a specific piece of property in general. We're talking about Bill 136. As a planner—not to take anything away from the rest of your presentation—what suggestions can you give us as a government to improve Bill 136, if you want to go there?



**Mr. Forhan:** What I'd like to see is that the Places To Grow legislation consider lands beyond the next 10 years. I know that the policies really look to 30 years out, but in terms of the land supply I think it's a real concern, especially in the Newmarket area. In the Toronto area, in the Markham area, in the balance of the area south of the Oak Ridges moraine, I think that the policies are well written; I think they support the land supply there, and I'm actually in full agreement with Mr. Berridge in terms of intensification requirements and what could be done there. But in Newmarket—specifically Newmarket north of the Oak Ridges moraine—that is a real problem, because it's a constrained municipality. I'd like to see no political borders, frankly. I think if there were no political borders north of the Oak Ridges moraine in York region, you'd see a city that would develop and really look after how a community should be planned. It's got the great infrastructure already there, but it's going to be very much underutilized.

**Mr. Hudak:** Thank you very much for the presentation. If I understood the lesson here, it's that Places To Grow doesn't seem to be very well streamlined with the Greenbelt Act with respect to Newmarket area.

**Mr. Forhan:** That's correct.

**Mr. Hudak:** It's quite a bit off?

**Mr. Forhan:** Right.

**Mr. Hudak:** Have you had any success in trying to get that point across?

**Mr. Forhan:** We are working at that now. In fact, we have applications that were submitted prior to the greenbelt legislation being introduced. We will be appealing the applications on this site to the Ontario Municipal Board. We expect full support from the town of Newmarket, the town of East Gwillimbury, the town of Whitchurch-Stouffville and the region of York in getting these lands at least designated in their plans for employment use in the future.

**Mr. Hudak:** This is not unique to Newmarket in York region. I think we've heard quite consistently about a concern of lack of employment land and growth land in the York region.

**Mr. Forhan:** That's correct.

**Mr. Hudak:** It's a complaint we've brought forward in terms of the ministries not having always been in sync, the ministers not in sync—one's at one pace, one's at another. Unfortunately, I think we're seeing some of the results, particularly here in York region.

The other general question I had for you was with respect to official plans and bringing them into com-

pliance with this legislation, the greenbelt, the Oak Ridges moraine legislation, the regular OP cycle. Do you have any view in terms of trying to make these things all work together, or is there a concern?

**Mr. Forhan:** They need to work together.

**Mr. Hudak:** So what's the concern? Why?

**Mr. Forhan:** The concern? I'm sorry?

**Mr. Hudak:** Do you have a concern that the different pieces of legislation have a different pace for bringing the OPs into compliance with the bills?

**Mr. Forhan:** Well, there's the pace of bringing plans into conformity, which wouldn't be what the local or the regional municipality would want. Then there would be, in the situation that we have, an appeal that we could take to the board and work out there with the support of those municipalities.

**Ms. Churley:** Thank you very much for your presentation. I see how your presentation relates exactly and precisely to the bill that we're dealing with today, Bill 136. Because of the short time, I just wanted to ask you a basic question, therefore, and that is, I guess, your professional opinion, given what you said today and what we know about the greenbelt. Do you see that the development is just going to leapfrog over the greenbelt and carry on from there anyway?

**Mr. Forhan:** We see that happening already in Bradford-West Gwillimbury. In fact, there are applications which I'm sure the committee is aware of in Bond Head. Let's make it clear that the people of Bradford West Gwillimbury currently use the facilities and services in Newmarket, they work in Newmarket and it's very likely that they will continue to come down to Newmarket.

**The Chair:** Thank you very much for being here.

Thank you to all the witnesses who are still here, to the MPPs and to ministry staff for their participation in the hearings.

Committee, please don't run away. I have a few little instructions for you. You're going to get a research summary, we hope, by about noon. That's the intended time that staff is going to try and have it to you, because the amendments to Bill 136 are going to be filed with the clerk by 2 o'clock tomorrow. That was the agreed-upon time. So you'll have a whole two hours to look at the research.

This committee stands adjourned until 3:30 on Monday—3:30, Tim—May 2 in committee room 151 for the purpose of clause-by-clause consideration of Bill 136.

*The committee adjourned at 1838.*







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First Session, 38<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

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# Official Report of Debates (Hansard)

Monday 2 May 2005

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Lundi 2 mai 2005

Standing committee on  
general government

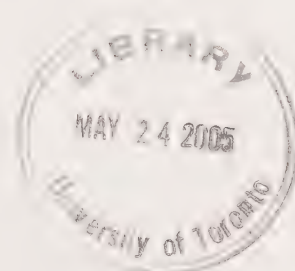
Places to Grow Act, 2005

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Loi de 2005 sur  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GENERAL GOVERNMENTCOMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES

Monday 2 May 2005

Lundi 2 mai 2005

*The committee met at 1616 in room 151.*

## PLACES TO GROW ACT, 2005

LOI DE 2005 SUR  
LES ZONES DE CROISSANCE

Consideration of Bill 136, An Act respecting the establishment of growth plan areas and growth plans /  
Projet de loi 136, Loi sur l'établissement de zones de croissance planifiée et de plans de croissance.

**The Chair (Mrs. Linda Jeffrey):** The standing committee on general government is called to order. We're considering Bill 136, An Act respecting the establishment of growth plan areas and growth plans. We meet today for the purpose of clause-by-clause consideration of the bill.

We will now commence clause-by-clause consideration of the bill. Are there any comments or questions on section 1 of the bill?

*Interruption.*

**Ms. Marilyn Churley (Toronto–Danforth):** There's something wrong with the sound.

**The Chair:** I'm going to call a recess until we get the sound system in order.

*The committee recessed from 1617 to 1624.*

**The Chair:** We're back from recess. Thank you to our tech team.

**Mr. John O'Toole (Durham):** On a point of information, Chair: I just want to make sure that all the motions or amendments moved by each caucus have been received. I just talked to our policy people, and they made me aware that there are several other rather innocuous amendments—I'm sure that the government, which forms the majority on this committee, will defeat every single one of our well-considered amendments. I just want them to be considered in order; otherwise, I'll have to get on procedurally here and cite them all.

**The Chair:** I can't comment. I haven't seen any of them yet. I'm told they were delivered at 3:30 this afternoon. Until I see them, I can't rule on them.

*Interjection.*

**The Chair:** No, there are more since that package.

**The Clerk of the Committee (Ms. Tonia Grannum):** The committee has the first set of amendments, which are numbered starting with 3a, and then I understand that at 3:30 another set came in, where we're only replacing the first two motions, 4.1 and 4.2.

**The Chair:** Is that all you're talking about, Mr. O'Toole?

**The Clerk of the Committee:** I have the new 4.1 and 4.2 ready to hand out when you need them.

*Interjection.*

**The Clerk of the Committee:** They're in the package.

**Mr. O'Toole:** Thank you very for that. I appreciate it.

**The Chair:** Can we move on now with section 1?

**Ms. Churley:** Let's try again. I move that section 1 of the bill be amended by adding the following clause:

"(e) to ensure that provincially initiated or provincially funded undertakings and municipal infrastructure projects undertaken in accordance with priorities established in growth plans".

I'll speak to this amendment. We heard various deputations before the committee from a variety of perspectives on this—for instance, the Ontario Professional Planners Institute, Environmental Defence Canada, the Greater Toronto Homebuilders' Association—and all of them, although they didn't agree on a lot of issues, certainly did on this one and emphasized the importance of ensuring the coordination of growth plans and infrastructure funding. As we all know—and I pointed this out on the greenbelt as well—if you build it, they will come. Where there is infrastructure nearby, there is pressure for growth, regardless of whether or not the growth is desirable. A very good example that we heard from a developer's lawyer and a developer himself is that the Duffins-Rouge Agricultural Preserve should be built on because of its proximity to existing infrastructure.

This amendment simply makes it a purpose of the bill that provincial and municipal infrastructure projects be undertaken in accordance with priorities established in the growth plan.

**The Chair:** Any further discussion?

**Mr. Lou Rinaldi (Northumberland):** I believe that what Ms. Churley has brought forward in this amendment is already covered in clauses (b) and (d). It makes no sense to me to elaborate any further; I think that's covered off already.

**Ms. Churley:** It isn't covered off already—I wouldn't be bringing forward this important amendment to have it in the purpose section, to be very clear about this. As we saw from the committee, the pressures are going to be there if the purpose doesn't really clarify the priorities of the growth plan. I would say that if you believe it to be



already there, then it wouldn't be any problem to support this to reinforce what you believe to be already there. It really is the underpinning of the bill before us, so let's just reinforce what you believe to be there, which I believe is not strong enough.

**The Chair:** Any further discussion? Seeing none—

**Ms. Churley:** A recorded vote, please.

### Ayes

Churley, O'Toole.

### Nays

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

**The Chair:** The vote is lost.

Shall section 1 carry? All those in favour? All those opposed? That's carried.

Section 2: Mr. Rinaldi.

**Mr. Rinaldi:** I move that the definition of "minister" in section 2 of the bill be struck out and the following substituted:

"'Minister' means the Minister of Public Infrastructure Renewal or such other member of the executive council to whom the administration of this act is assigned under the Executive Council Act; ('ministre')".

**The Chair:** Any discussion?

**Mr. O'Toole:** I'm awed, as I go through Bill 136, at the extraordinary powers the minister has. I'm wondering if the parliamentary assistant or anyone else has a way of—the context of democratic renewal or the debate on respect for municipalities has somehow been lost here. The minister and the cabinet have all the authority now. I'm concerned about that. Brighton, for instance, will have virtually no input.

**Mr. Rinaldi:** I'd like to inform Mr. O'Toole that the municipality of Brighton is fully in favour of this bill. To answer Mr. O'Toole's query, I think this is really to clarify that if the minister is not available, and because it is a brand new ministry, this function could be reassigned to other members of cabinet for that duty. I don't think Mr. O'Toole's questions really address what we're talking about here.

1630

**Ms. Churley:** There is not much information here, but the way I see it is that it creates a possibility for shifting the responsibility in the act from the Minister of Public Infrastructure Renewal to another cabinet minister. I suppose you could say that the government is seeing a time, down the road, when this could all be folded into municipal affairs, for example. I think the problem with this is that infrastructure renewal and urban planning need their own ministry. I believe they need to be carried out under the control of a separate agency that actually has the resources and the mandate to do the long-term planning. Despite the fact that the minister keeps promising us a 10-year infrastructure program, we haven't seen one yet. They're already anticipating the collapse of the Ministry

of Public Infrastructure Renewal, and it hasn't even delivered this big 10-year infrastructure renewal plan. My question would be, has this got to do with that?

**Mr. Rinaldi:** No. This is similar to what's in the Greenbelt Protection Act, the Food Safety and Quality Act and the Ontarians with Disabilities Act, 2001. It's the same wording. It's really more for clarification.

**The Chair:** Any further discussion?

Seeing none, all those in favour of the amendment? All those opposed? That's carried.

Shall section 2, as amended, carry? All those in favour? All those opposed? That's carried.

Section 3: Ms. Churley.

**Ms. Churley:** I move that section 3 of the bill be amended by adding the following subsection:

"Prerequisites

"(2) In order to be eligible for designation under clause (1)(a), an area must be ecologically and functionally coherent, having regard to such factors as watershed boundaries, municipal boundaries and the geographical jurisdiction of planning authorities."

The bill before us, Bill 136, provides no guidance to the Lieutenant Governor in Council to designate areas to be covered by the growth plan, which I believe is a problem. A principal benefit of establishing growth plans is the ability to plan over larger geographical areas spanning various individual municipal boundaries. The amendment I'm putting forward speaks to the need for the growth plan to give priority to maintaining ecological integrity across the whole growth plan area. Section 3 of the bill is silent on the geographic delineation of growth plans and whether growth plans across southern Ontario should go along with each, be contiguous with each other. Where possible, the boundaries of individual growth plans should follow watersheds. That's exactly what this particular amendment does, and I'm hoping that members of the government can support this to preserve the integrity of the bill.

**The Chair:** Any discussion?

**Mr. Rinaldi:** I think Ms. Churley is referring more to the growth plan as it's developed and implemented. This is just enabling legislation. There is wording in the legislation already to deal with ecological and other criteria. We're really talking about enabling legislation here; we're not talking about a plan.

**Ms. Churley:** What?

**Mr. O'Toole:** I'm intrigued at the response of the parliamentary assistant. This is an all-encompassing ability to make regulations to designate areas of growth or areas of restricted growth. It's the centralization of power that's typical of what's going on in Ottawa. We saw in the previous government amendment an attempt to obfuscate the obvious by not really saying who, specifically, in cabinet is going to make these decisions or stand behind them.

I'm supportive of Ms. Churley's amendment, and I'm really hopeful that some members here will see the onerousness of the current area of section 3. What we're trying to do here is respect some of the watershed



boundaries—natural municipal boundaries—and allow some form of local autonomy to exist. I urge you, and members who maybe aren't as well read on this issue, to perhaps support Ms. Churley—fundamentally, as Mr. Rinaldi said, it's kind of an empowerment thing; it's not a planning thing—as a sign of general goodwill and democratic renewal.

**Ms. Churley:** And a sign that I've read the bill and know that this is lacking in the bill, and it would greatly improve it. I'm hoping you'll support it.

**Mr. O'Toole:** A recorded vote.

**Ms. Churley:** Of course, a recorded vote.

**The Chair:** Further discussion? Seeing none, a recorded vote has been requested.

### Ayes

Churley, O'Toole.

### Nays

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

**The Chair:** That vote is lost.

Shall section 3 carry? All those in favour? All those opposed? Carried.

Section 4 has a new—am I right?

*Interjection.*

**The Chair:** I'm confused because I have so many amendments in front of me.

Shall section 4 carry? All those in favour?

**Mr. O'Toole:** Hang on a minute here. Are we dealing with the complete section 4? Because I'm adding a sub-point.

**The Chair:** You're adding a 4.1?

**Mr. O'Toole:** How can we deal with—

**The Chair:** Mr. O'Toole, I think I have it under control. Trust me, I will get to your amendments. Let me deal with them in order. I'm on 4, and then I'll do 4.1, which is what you're talking about.

Shall section 4 carry? All in favour? All opposed? Carried.

Section 4.1: You have a 3a, and you have a new 3a.

**Mr. O'Toole:** I move that the bill be amended by adding the following section after section 4:

“Infrastructure plan

“4.1 (1) The government of Ontario shall establish an infrastructure plan that shows that the government is serious about investing in the needed infrastructure such as roads, bridges, transit and sewer and water projects.

“Scope

“(2) The infrastructure plan must be a 10-year plan and must indicate how the infrastructure-related investments will be funded.

“Deadline

“(3) The infrastructure plan must be established within six months after this act receives royal assent.”

I guess the point we're making here—I think Ms. Churley mentioned it earlier in her comments—is some

certainty around these vagaries over a 10-year plan. It's sort of like skipping over the election in 2007 before we get into any known constants. That's what's troubling here. During the election, we know there were 231 promises by the now government, basically—I don't know if it's not parliamentary; would “lie” be out of order? I can't use that. I would say I was disappointed that they weren't straightforward with the people of Ontario by saying what they do.

I think you'll probably support this, because all it really does is say that you'll tell people the facts, as opposed to the fiction. We urge you to support this, because it just says that you will define the capital within six months after royal assent for the 10-year plan, and where the revenue's coming from. I look forward to your support. It's that simple.

**Mr. Rinaldi:** I urge the member to read that piece of legislation, because what he's been bringing forward will be dealt with within the context of the plan and covered off in what the growth plan may contain.

**Mr. O'Toole:** “May” is the troubling word. This “may” becomes some of the vacillating that I'm familiar with on the part of the current government. This is very clear: “the infrastructure plan ‘must’ be established....” “May,” “must,” “shall,” “may be”—these words become very functional terms that have legal consequences.

**The Chair:** Further discussion? Seeing none, shall section 4.1, the new 3a, carry?

**Mr. O'Toole:** Recorded vote.

### Ayes

Churley, O'Toole.

### Nays

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

**The Chair:** That vote is lost. Mr. O'Toole, you have a new 3b.

**Mr. O'Toole:** Yes, I guess it is, because we just voted on 4. It's 3b.

I move that the bill be amended by adding the following section after section 4:

“Transportation plan

“4.2(1) The government of Ontario shall establish a transportation plan that reduces gridlock through investments in roads and transportation networks and that commits to making investments in municipal roads and transit.

“Scope

“(2) The transportation plan must be a 10-year plan and must indicate how the transportation-related investments will be funded.

“Deadline

“(3) The transportation plan must be established within six months after this act receives royal assent.”

1640

If I can speak to that, this really is the second part of this. They're both related to the straightforward commit-



ments in budget or in estimates, the actual dollars that will be committed over the 10-year plan as opposed to what I'd call a certain amount of obfuscating or skat-ing—just plain, ordinary avoidance—of the real plan. That's what this is about. It's just trying to put in legislative form what the plan is.

It's my understanding, in listening here for the last 18 months, that there really isn't a plan. There's a bunch of continuous announcements to confuse the people of Ontario, but at the end of the day—and we see it in the current round of infrastructure funding in my riding. For instance, there are a couple of municipalities holding their breath for funding of roads, bridges and source water issues. No one knows. It's all made in a secret cabinet meeting and we find out after a big, flashy announcement, like the Liberal announcement on housing for the federal election just this past weekend. That's not the proper way in these whole democratic renewal times that we're in. Openness, transparency, accountability: None of it's here.

This just urges you to come forward, to be straight with the people of Ontario for a change, and support this. I'll be asking for a recorded vote to see where you really stand on telling the people the truth.

**Ms. Churley:** I voted for the previous one. I have some concerns about some of the wording in this. Although I support and have indicated many times that this bill needed a transportation-related plan, what I'm concerned about within the wording of this is there's nothing—I know that it doesn't specifically say “highways” but “investments in roads and transportation networks,” which indicates highways. I believe the wording suggests that those kinds of investments will actually reduce gridlock, and it won't. I'm interested in a transportation plan that involves rail and far more public transportation.

I'm just worried about the implications and how this might look on the record, should I support it the way it is written. So although I support the general thrust of what the member is trying to get at, I'm just concerned about the implications of the wording, because we all know by now that large highways actually increase gridlock. If you build them, as I said, they will come.

**Mr. Rinaldi:** Once again, the proposed amendment will be dealt with within the context of the growth plan. The bill already speaks to what the growth plan may contain.

**Mr. O'Toole:** Well, it's good to hear Mr. Rinaldi, the parliamentary assistant, reading the notes that he's been provided. He's been kept in the dark. He doesn't really know the plan, either. But I won't question him. He's doing a dutiful job. PAs do get extra money for that, and it's worth noting. But I think if you look at—

**The Chair:** Mr. O'Toole, could you just talk about the amendment, please?

**Mr. O'Toole:** Of course I am.

**The Chair:** Thank you.

**Mr. O'Toole:** In fact, with your indulgence, Chair, I know the dilemma you're in in Brampton. I understand that. It's difficult to stand up and be straightforward.

**The Chair:** Mr. O'Toole, please speak to just the amendment.

**Mr. O'Toole:** I think Ms. Churley mentions a very good point. This does address primarily the municipal planning instrument 136. However, in that context she makes a very good point. There is an overlap, and perhaps I would be receptive to a friendly amendment, if that's in order, to insert wording that addresses the integration of provincial planning, whether it's GO Transit or other rail forms of transit, to augment the functionality of our provincial road system. Because if you add another lane on the roads, you'll have another lane of cars and more people will move to Cobourg because of the greenbelt. They'll be jumping over the GTA, and Northumberland and Peterborough would need a six-lane Highway 135/115 to Peterborough. So there's a very good argument here that it has to be an integrated plan. There isn't really a plan here, unless Mr. Rinaldi knows.

There's one other point I want to put on the record. I have Bill 137, which is a public transit tax credit. It's related to this whole issue here that we're talking about. I'd urge you to urge Greg Sorbara to put that in his budget. It's a tax credit for people using public transit—

**The Chair:** Mr. O'Toole, can you please just speak to the amendment that's on the table? I understand, but we have a lot of material to cover.

**Mr. O'Toole:** Very good. OK. I appreciate the time that's been allocated, because it'll probably be defeated. That's what is so disappointing about this process. It's like they vote against every good idea. They think they're the only ones who have any good ideas.

**The Chair:** Any further discussion?

**Mr. O'Toole:** Recorded vote.

**The Chair:** A recorded vote has been requested for section 4.2, which is the new 3b in your package.

## Ayes

O'Toole.

## Nays

Dhillon, Duguid, Matthews, Rinaldi.

**The Chair:** That vote is lost.  
Section 5, Ms. Churley.

**Ms. Churley:** I move that section 5 of the bill be amended by striking out “The minister may appoint” at the beginning and substituting “The minister shall appoint”.

The planning process and development of growth plans, of course, is very complex and there needs to be a permanent advisory council to ensure proper preparation but most importantly, the full implementation of growth plans. The nature of this advisory council is dealt with in my next amendment, but I think it's really critical given what we heard just in the short couple of days of public hearings, the complexities of making sure that this



unfolds properly. So I hope you'll support me in that amendment.

**Mr. Rinaldi:** Section 5 is an upfront section with broad discretion, which will allow the minister the option to seek advice from any person or bodies—for example, an advisory committee—at any time in the growth plan process or afterwards or any other matter related to the growth plan. It's inappropriate to require this, since it's on an as-needed basis. It's not linked to any particular step in the process of preparing and implementing the growth plan. Section 7, about preparing the growth plan, will already require consultation on the proposed growth plan.

**Ms. Churley:** The member just pointed out the inadequacies of that section of the act, which is why I have the amendment, because my amendment is very clear that there “shall” be, not just “may appoint.” Once again, I come back to the issue around a previous clause and amendment—and Mr. O'Toole mentioned it—and that is that there's an awful lot of power within a minister's office and the cabinet table. I just can't accept that it's not written in stone that there be an advisory council, not the minister “may” and down the road if he needs, blah, blah, blah. We need to have in something this complex the knowledge and the comfort of knowing that there is an advisory group with real expertise to advise the minister, particularly when we know that when it comes to developers—we had some of the developers and their lawyers down here. There are dinners that happen. We know what happens around development. There are huge amounts of money involved. There are complexities that we can't even imagine unless we're in that field. I would think that this would be of some comfort to the minister and the government, whatever government of the day, to know that there is this advisory group, not willy-nilly appointing, whenever he or she thinks that they could make use of such a committee. I don't quite understand why that wouldn't be considered. Can you read me a note that you have that would indicate what the problem is with that?

**Mr. Rinaldi:** I think I've answered the question, Ms. Churley. I'm not sure what part you didn't understand. I mean that it will be dealt with in that—

**The Chair:** Can I stop the debate going back and forth, please? I do have a speakers' list.

Mr. O'Toole, you're next.

**Mr. O'Toole:** I just want to compliment Ms. Churley. It is a good point, but here's a very good example. I'm talking, through the Chair of course, to the parliamentary assistant. If we look at the television now, we see Tim Hudak, the member from Erie-Lincoln, the critic on this file. I have the greatest respect. The work he's done on this file is legendary—well, imaginary.

But anyway, today he is in the House on Bill 92. You see the treachery here? They've taken this very important planning bill, which puts all the power in the minister's office, and somehow got him in the House speaking on the memorandum-of-understanding legislation, Bill 92, which means he can't be in two places at once. I think

it's been a deliberate scheme to get Mr. Hudak out of here.

**The Chair:** Mr. O'Toole, are you speaking to the motion?

**Mr. O'Toole:** No, I'm just making the point that you're appointing persons, and she's trying to strengthen it by saying “shall.” Here's the point: You said in the memorandum of understanding, which is being debated, that you'd have a better relationship with municipalities and more consultation. Let's put it in here. Let's put the action statement “shall,” as opposed to that soft, weaselly “may.”

1650

Bill 135, the greenbelt bill: We know, as Ms. Churley has said, that there were meetings that were quite expensive; they were \$10,000. I see it in Bill 92, I see it in Bill 135, I see it in Bill 136, and I remain concerned. Let's have it in the open here. I'm going to support “the Minister shall appoint,” and I'm even going to propose a small amendment.

Roger Anderson is the chair of the Association of Municipalities of Ontario. Why wouldn't there be a broader consideration through AMO to—

*Interruption.*

**Mr. O'Toole:** Pardon me; I apologize. I didn't know my phone was on. I normally don't get connected like that.

I think I've made my point.

**The Chair:** I'll pass it back to the mover.

**Mr. O'Toole:** Are you friendly to an amendment on this?

**Ms. Churley:** I don't know. An amendment saying what?

**Mr. O'Toole:** Saying that AMO must be part of any appointment.

**Ms. Churley:** No. It makes sense that they would be, but if I were to do that, I would want a list of all kinds of others that I believe should be in that group. I think that's too complex for us to figure out here.

I want to make a point back to the parliamentary assistant. He doesn't understand what I don't understand. It's very clear: The difference between “may” and “shall” is what we're arguing about here. I want it to say “shall” so that it has to be done. The bill says the minister can if he or she chooses. It's very clear. I'd like a recorded vote.

**The Chair:** Further discussion? A recorded vote has been requested.

**Ayes**

Churley, O'Toole.

**Nays**

Duguid, Dhillon, Matthews, Mossop, Rinaldi.

**The Chair:** That vote is lost.  
Subsection 5(2): Ms. Churley.



**Ms. Churley:** I move that section 5 of the bill be amended by adding the following subsection:

“Expertise of appointees

“(2) Each advisory committee must be composed of persons with appropriate areas of expertise, such as expertise in agriculture, conservation, environmental protection, urban planning, natural resource management and development.”

This is where I attempt, without naming any particular group—obviously AMO would be considered in this. When it comes to the complexities of planning, these are the kinds of expertise we need to see sitting around the table, because they, of course, have the relevant expertise to ensure that divergent and sometimes, as we see, conflicting land uses could be represented and ultimately reflected in the preparation and implementation of the growth plans. I believe some of those are going to be very complex and controversial, and these are the kinds of expertise that would get the best decisions, I would say not just to the benefit of the people of Ontario, but of benefit to the minister and the government as well.

**The Chair:** Any discussion?

**Mr. Rinaldi:** The above motion under section 5 would allow the minister the option to seek advice from any person or body at any time in the growth plan process or afterwards on any matter related to the growth plan. It would be inappropriate to spell out the nature of the advisory committee, since it could be needed to address different issues at different times in different parts of the province. The areas of expertise listed in this motion are limited and do not include facilitation, consensus-building—as we talked of before—economic development, infrastructure, financing and other areas of expertise that could be needed by individual appointment to provide advice to the minister on the growth plan.

**Mr. O’Toole:** I would first put on the record that I request a copy of the parliamentary assistant’s briefing notes. I think it would be handy and save us a lot of reading. That’s serious. I would like that. That’s a request for those notes so that perhaps much of this debate could be avoided if we had the information we’re seeking here.

I will be supporting this, because it comes down to a competent reading of section 5, the soft nature of this “may” and “shall,” and really stressing the onerous authority the minister is taking upon himself or herself. We haven’t yet seen the final shoe drop, which is the changes to the Ontario Municipal Board. If I could see the whole plan, maybe I wouldn’t be so uneasy, but it’s centralized planning, much like happened in the earlier stages in, I’ll say Eastern Europe and leave it at that.

It’s a bit challenging, because on the growth plan you’re going to put more people in less space, which means everybody is going to live in a condo. That’s what it means. The goal here on intensification is less space and more people living on top of each other. That’s really what’s happening around us in Toronto. If you don’t see that—this gives the minister so much power.

It’s a property rights issue. I haven’t even talked about that.

Thank you for your patience. I’ll be supporting this amendment.

**Ms. Churley:** I simply want to add that if you read my amendment, you will see that it says “such as expertise” and then I go on to list some. It doesn’t limit which experts could be put on this advisory panel. Clearly there could be others added. It’s to make the case that these are some of the important voices and experts that would be needed around that table. That’s why I very specifically wrote the amendment so that it says “such as.” You could add others right now, for instance, to expand it, but because it’s not limiting, that’s not a problem.

I would like a recorded vote.

**The Chair:** Further discussion? Seeing none, a recorded vote has been requested.

### Ayes

Churley, O’Toole.

### Nays

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

**The Chair:** That vote is lost.

Shall section 5 carry? All those in favour? All those opposed? That’s carried.

Ms. Churley.

**Ms. Churley:** Section 6 of the bill: I move that section 6 of the bill be amended by striking out “growth plan may contain” in the portion before clause (a) and substituting “growth plan shall contain”.

I would say a properly constructed growth plan should consider all the items listed here. The emphasis will, of course, vary in accordance with individual growth plans in respective communities, which I believe you were getting at earlier, but each item reflects an important aspect of developing sustainable communities, and therefore should be considered in all growth plans. For example, items such as affordable housing are far too important not to be mandatory components of the growth plan. I think that gives you a good example of why I’m putting forward this amendment.

**Mr. Rinaldi:** A list of elements that could be found in a growth plan indicates the types of issues that might need to be addressed. A growth plan should not be required to contain all the elements, and some may not be needed in some parts of the province.

**Ms. Churley:** We need affordable housing everywhere.

**Mr. Rinaldi:** We had an announcement today, Marilyn.

**Ms. Churley:** Oh, yes, another announcement. Sorry, Madam Chair.

**The Chair:** Further discussion? Seeing none—

**Ms. Churley:** Recorded, please.



**Ayes**

Churley, O'Toole.

**Nays**

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

**The Chair:** That's lost. Mr. Rinaldi, you have the next motion, I believe.

**Mr. Rinaldi:** I move that section 6 of the bill be amended by striking out "proposed" in the portion before clause (a).

This is really a technical change. It does not change the meaning or the intent of the current provision, but it would be more consistent with a similar provision in the way other land-use-planning-related legislation is drafted. For example, section 3 of the Ontario Planning and Development Act, 1994, speaks to what may be included in a plan under the act as opposed to what may be included in a proposed plan.

**The Chair:** Any discussion? All those in favour? All those opposed? That's carried.

Mr Rinaldi.

**Mr. Rinaldi:** Clause 6(c) of the bill: I move that clause 6(c) of the bill be struck out and the following substituted:

"(c) growth strategies for all or part of the growth plan area;"

The current wording states that these growth strategies for sub-areas will be prepared by municipalities. This change will allow for greater flexibility, accommodate the variety of needs of municipalities across the province and would be a less onerous approach for municipalities. Municipalities will still have the opportunity to be involved in the process. They will be notified of reports of growth strategies and provided with an opportunity to make written submissions under clause 7(1)(b) or subsection 10(3) of this bill.

1700

**The Chair:** Any discussion?

**Mr. O'Toole:** Again, I'm surprised. You're a former mayor of Brighton, I think it is, and lower-tier municipalities are finished, basically. The area would have a master plan and the local plan would be subsumed under the county or regional upper tier. Mrs. Jeffrey may want to look at this because of the recent changes to the Peel region act. Whatever they say is the rule prevails. That's basically what I hear: One size fits all. It's an integrated plan.

Can you assure me—this is a question that I want either you or researchers to answer—that with the implementation of this bill, lower-tier municipalities and their planning departments will, to the most extent, be eliminated? Otherwise, you're going to have all these studies going on locally, and you're saying in the legislation that there's an area plan, which is a second word for regional plan. They're going to be doing the same thing: developing the plan. They're going to have all these land division committees, and all these other processes that happen locally are going to be rather redundant.

There is one more thing: You've got to be honest with the lower-tier municipalities and their committees of adjustment and all these kinds of things. You argue with a stroke of a pen, saying they all have to subsume under a regional plan. Technically, that regional plan will have to conform with the guidance as laid out here on intensification, density, all these rezoning things, to the province's plan by the minister. So the minister's running the whole show, and you can tell Brighton that the job's done. That's basically what you're saying here today.

I'm very disappointed. I won't be supporting this for sure, because the wording is almost—it's the central planning theory. It goes right back to things like Christaller's central place theory in planning, which is an important part of planning. I'm not a planner, but I would say that the central place here is the cabinet office. It's disappointing.

**The Chair:** Further discussion? Seeing none, all those in favour?

**Mr. O'Toole:** Recorded vote.

**Ayes**

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

**Nays**

O'Toole.

**The Chair:** That vote is carried.

**Mr. Rinaldi:** I move that subclause 6(d)(ii) of the bill be struck out and the following substituted:

"(ii) land supply for residential, employment and other uses,"

The reason for this amendment is to provide clarification regarding the meaning of "land supply." It reflects the type of uses addressed in the provincial policy statements.

**The Chair:** Any discussion?

**Mr. O'Toole:** The people who read the initial draft of the bill now see that it's going to control all planning from the minister's office, not just land supply, which is kind of what's available for the next 10 years of immigration and the rest of the issues. We have to accommodate a growth plan. Now you're saying that for every single use, whether it's employment uses or other uses, you're in charge.

**The Chair:** Any further discussion?

All those in favour? All those opposed? That's carried.

**Ms. Churley:** I move that clause 6(d) of the bill be amended by adding the following subclause after subclause 6(d)(v):

"(v.1) the protection of key natural heritage features and key hydrologic features, the maintenance of the ecological and hydrologic functions of these features and the maintenance and improvement of connectivity between these features,"

This was mentioned earlier. The greenbelt plan is seeking to protect key natural heritage and hydrologic



features within the greenbelt. There are many areas that fall under the auspices of growth plans outside the greenbelt which have key natural heritage and hydrologic features and need to be protected and enhanced through improving their connectivity. What this amendment does is recognize the need to formally identify and protect those features in developing growth plans.

Some of you may have sat on the committee when I made amendments to the greenbelt, and certainly there were areas that I believed to be included that weren't put in which will need these protections, and lands beyond that which I believe would be key to be protected under this act.

**Mr. Rinaldi:** The intent of this motion is sort of detailed and it's already captured under clause 6(d)(v), which says, "A growth plan may contain" policies about "the protection of sensitive and significant lands, including agricultural lands, and water resources...."

**The Chair:** Further discussion?

**Ms. Churley:** Recorded vote.

#### Ayes

Churley.

#### Nays

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

**The Chair:** That is lost.

**Ms. Churley:** you have the next one.

**Ms. Churley:** I move that clause 6(d) of the bill be amended by adding the following subclause after subclause 6(d)(vi):

"(vi.1) energy conservation, energy efficiency and renewable resources,"

The same arguments apply—I'm sorry, are we on 11 or 12 here?

**The Chair:** It's 11.

**Ms. Churley:** I'm getting a bit confused here.

**The Chair:** You read the right motion.

**Ms. Churley:** That's fine. It's self-explanatory.

**Mr. O'Toole:** I'd just like to be on the record here. This again is quite controversial in that I first agree that there needs to be a body of theory developed, especially with the Ministry of Energy, which is my portfolio to criticize or comment on. I think there are some opportunities here on central planning with respect to distributive energy systems as part of the national grid system. There need to be some really concrete working groups to deal with—rather than just more and more transmission lines and systems, we need to look at distributive energy systems perhaps feeding off a national grid plan.

I'll be supporting this. I, our party and our leader, John Tory, would be supportive of all of the above elements brought forward by the NDP. This is the very language of his comfort zone: energy conservation, energy efficiency and renewable resources.

We had a committee. It was called the alternative fuels committee, which had a pretty daunting report.

**Ms. Churley:** Yes, we both sat on that.

**Mr. O'Toole:** We both sat on that. It would be new to all of you, because you're new here, and you'll only be here for a short time. I would recommend reading it, because you're implementing most of it. Renewable portfolio standards, demand side management, energy sustainability, all these things are—Mr. Rinaldi, it doesn't change the intent of the bill. It just clarifies your non-renewable resource section. As an appeasement to my anxiety over here about your voting unanimously, almost like sheep, against every motion, this one here you could support and you would have my respect for at least this one clause of the bill. I'm looking forward to your support, for the right reasons and motives, to do the right thing. A recorded vote too.

**Mr. Rinaldi:** It's hard for my ears—John Tory and the NDP. Anyway—

*Interjections.*

**The Chair:** Can I stop the back and forth?

**Mr. Rinaldi:** The government has submitted a motion already to include energy conservation, which will be coming up. There's really no need to address the others. We are consistent with the nature of the rest of the list. If we need to address any others, under the government motion where it already says "other categories," they could be included. But we are going to be including energy conservation.

**Ms. Churley:** Well, I said it was self-explanatory, but I presume it isn't, so let me go into why I have this amendment. The government has an amendment that adds energy conservation; that's right. The government is preaching what you call a culture of conservation in section 1 of the bill, but should this culture not include conserving energy through energy-efficient planning or conservation of renewable resources such as water?

1710

We've got a Minister of Energy and the Premier talking extensively about the importance of energy efficiency and renewable sources of energy such as wind power as key to community sustainability and Ontario's future energy needs. Wouldn't you think that would have to be, given the announcements that are being made, reflected categorically in the bill? Why wouldn't it be, given all the announcements that we're hearing, without a whole lot of resources and policy support to back them up? Don't you think this could be one of the cornerstones of this bill? I'm just kind of amazed that you wouldn't want to add that.

**The Chair:** Further discussion?

*Interjection.*

**The Chair:** A recorded vote has been requested.

#### Ayes

Churley, O'Toole.

#### Nays

Dillon, Duguid, Matthews, Mossop, Rinaldi.

**The Chair:** That vote is lost.



**Mr. Rinaldi:** I move that clause 6(d) of the bill be amended by adding the following subclause after subclause (vi):

“(vi.1) the conservation of energy,”

This will reflect the government's commitment to energy conservation and the need to ensure energy conservation concerns are reflected in long-term growth planning. I think I mentioned that before.

**Mr. O'Toole:** This just shows the lack of appreciation for the role of opposition. Ms. Churley has just brought in a much better amendment than the government amendment to improve a faulty clause in the bill. You voted it down unanimously on a recorded vote, and now you bring in something that's weaker. It really makes one lose their commitment to this committee process when you relentlessly defeat every single reasonable amendment that we put forward to improve the bill.

At the end of the day, your government—and this is going to be the legislation; we understand that. But please give the opposition some respect for the work that we put into this.

**Ms. Churley:** Could I just say I'm glad that energy conservation is there. That's an important addition. But energy conservation, of course, as I outlined earlier, is just a piece of what we need to be doing. If you understand the difference, and I'm sure we all do, between conservation and efficiency—and of course renewable resources; we're talking about wind, solar, all of the other things I mentioned before. Conserving energy, as we know, is just trying to take a shorter shower and using less power in general. Energy efficiency has an awful lot to do with development and retrofitting buildings and changing building codes so all new buildings are energy-efficient. All those kinds of things are absolutely key in terms of dealing with our energy crisis.

We have an announcement by the Minister of Energy today, even though studies show that Ontarians don't want nuclear power, saying there's going to be public consultation around it. We're marching down that road, spending billions of dollars, perhaps, on what we now know to be a failed and environmentally dangerous road to go down.

This is an opportunity within this bill to make it known and to put emphasis on the three cornerstones of the things we need to be doing. Germany and France and other European countries are phasing out nuclear and all fossil fuels and putting those billions of dollars instead into conservation, efficiency and renewable resources. That's what we need to do, to have the three of them, kind of like a three-legged stool. If you take one or two of those away, you know what's going to happen: It'll topple. So I would urge those of you who agree with me that we need all three of them to add those to your—after voting mine down, to throw them back in, energy efficiency and renewable resources. Why wouldn't you?

**The Chair:** Further discussion? Seeing none, all those in favour? All those opposed? It's carried.

Our next motion is Mr. O'Toole. Committee, this is your 12a.

**Mr. O'Toole:** I'd also like to formally recognize that Tim Hudak, the critic for this, is back. He's finished his labour on Bill 92—

**The Chair:** Mr. Hudak, we won't tell you what Mr. O'Toole said while you were gone.

**Mr. O'Toole:**—so I'll be subordinated into a more silent role. It's unfortunate, but I have other pressing duties.

**Ms. Churley:** That's really unfortunate.

*Interjections.*

**Ms. Churley:** I'm not so sure that's true. I've sat with Mr. Hudak on committee before.

**Mr. O'Toole:** I would say that this amendment—I should read it for the record.

I move that clause 6(e) of the bill be struck out.

The first question that pops into your tiny little mind, I'm sure, is, “Why?” Why would I want to eliminate it?

This is what I call the Henry VIII clause. It's called the god clause; it's called—

**Mr. Tim Hudak (Erie-Lincoln):** The Zeus clause.

**Mr. O'Toole:** The Zeus clause. I'm getting help from Mr. Hudak already.

But here's the deal: This is the omnipotent power of the minister, in all its glory, over “such other policies, goals or matters that the minister considers advisable.” Can you imagine this omnipotent, sort of godlike thing? I would urge you not to ever give this to any minister. Perchance we could be government the next time, or even yourselves. Don't give yourselves that much power. Vote against this. I urge you, in the name of democracy, to eliminate this Henry VIII clause. It's dangerous and scary.

**Mr. Rinaldi:** This is required for varying circumstances within different growth plans across Ontario.

**The Chair:** Further discussion?

**Mr. Hudak:** Recorded vote.

#### Ayes

Hudak, O'Toole.

#### Nays

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

**The Chair:** That vote is lost.

Ms. Churley, yours is the next one: page 13.

**Ms. Churley:** I move that section 6 of the bill be amended by adding the following subsection:

“Intensification target

“(2) Each growth plan must require an intensification rate of 60 per cent by 2015 within areas of settlement, unless it is exempted by regulation.”

This was an issue we heard a lot about, as you know, on committee. As I and others said then, the present intensification rate of 40% by 2015 in the greater Golden Horseshoe proposed growth plan is too low if the government's stated objective of stopping sprawl and concentrating development around existing infrastructure is to be attained.



It's not just me saying that, because I'm not an expert. I'm only an expert based on what I've read about how to do this. But several expert witnesses informed the committee that a higher intensification rate is both necessary and achievable: Pembina, Environmental Defence. Paul Bedford—I don't know if you're familiar with him—sent a deputation to the committee. He's a leading planner who used to be with the city of Toronto and who is very highly regarded. He gave a deputation and expressed his concern about the intensification target being too low. He knows quite a bit about intensification planning, because he's someone who has a lot of experience in bringing mixed intensification projects such as King Street West to Toronto.

This is what he stated in his submission: "My concern is that the plan allows 60% of all annual residential development to continue to occur on greenfields that are located within the established urban boundaries of GTA municipalities.... If 60% of all new residential development in each municipality continues to occur outside the built-up area, the prevailing pattern of low-density, car-dependent development will continue." He goes on to say, "I believe it is important to increase the minimum intensification target to at least 50% if a positive impact is to be realized."

That's what my amendment is trying to do. I would say again that given the government's stated concerns regarding the implications of sprawl and smog for the health of Ontarians, just last week spending \$110,000 on a study regarding the health impacts of coal-fired electricity generation, I hope the government will take this opportunity to pass this amendment to ensure that growth plans do stop urban sprawl. To this end, according to the experts, we need that high rate of intensification to achieve those goals.

1720

**Mr. Rinaldi:** I think it would be inappropriate to specify the policy content of a growth plan in legislation. Growth plans could be done for a range of areas in the province, and intensification targets may change from area to area, and over time. The growth plans themselves, as we move forward, will include the appropriate targets for those areas.

**Ms. Churley:** Briefly, I would say the problem with that argument is, according to the experts, it's critical within the Golden Horseshoe area, and it's almost like it's now or never, that if we don't begin right now with really high intensification targets, as Mr. Bedford says, a lot of these greenfields will be eaten up. That's the point I'm trying to make. I know it can be seen as difficult, but as other experts have pointed out, there are many other jurisdictions, like the greater Vancouver region, Australia and the United Kingdom, that have adopted residential intensification targets at 60% to 70%. I just want to reiterate that the problem with not having it high within this bill is that it will be too late a few years down the road; this greenfield land will already be developed and we will have missed a great opportunity.

I'd like a recorded vote.

**Mr. Hudak:** I thank my colleague Ms. Churley. Before we get to the vote, I appreciate your bringing this forward, and this is consistent with what some individuals have said, and others have made the case, I think rightly so. I'm not even sure where the 40% came from. I'm not convinced that good science has been brought forward to say that 40% is better than 60% or 30%. There seems to be a lack of science there. I think they probably just gave the 80% example and said, "We'll get halfway there." That was one of the arguments that I recall.

The other thing I want to bring forward is that we heard over and over again that intensification efforts won't work unless the proper support plans are there for municipalities and for the construction sector, whether that's tax incentives or direct support for municipalities. Given that, I fear my earlier amendments, which would have solved this, were lost. I know Mr. O'Toole was very convincing, but I'm a little pessimistic. Did my earlier amendments pass or fail?

**The Chair:** You were right; they weren't successful.

**Mr. Hudak:** I'm disappointed to hear that.

**The Chair:** Had you been here, I'm sure they would have.

**Mr. Hudak:** I was trying to see through the TV here but was unable to do that.

**The Chair:** He spoke about you fondly, though, I have to tell you.

**Mr. Hudak:** Because we have not seen tools brought forward, I think that the 40% figure would be difficult to achieve, unless we actually see support from the ministry and from the government. I'm skeptical, and therefore, with all due respect to the motion my colleague has brought forward, I don't think they'll bring tools to help municipalities get to 40%, let alone 60%. I think their tool box is empty.

**The Chair:** Further discussion?

A recorded vote has been requested.

**Ayes**

Churley

**Nays**

Duguid, Hudak, Matthews, Mossop, Rinaldi.

**The Chair:** That vote is lost.

Shall section 6, as amended, carry?

All those in favour? All those opposed? That's carried.

**The Chair:** Ms. Churley, you have the next four motions in section 7.

**Ms. Churley:** I move that section 7 of the bill be amended by adding the following subsection after subsection 7(3):

"Same

"(3.1) If the minister appoints more than one hearing officer under subsection (3), the minister shall ensure that the hearing officers include persons who are representative of public interest and community groups."



Madam Chair, the reason I brought that amendment forward is to absolutely ensure that if hearing officers are appointed by the minister, there will be a balance of perspectives. I'm sure we all, from any party, would want to make sure that community interests are represented in proposed growth plans or modifications to proposed growth plans, and I believe the wording within the bill now does not guarantee that.

**Mr. Rinaldi:** It would be inappropriate to spell out the requirements for qualifications of our hearing officer, since he or she may need to address different issues at different times in different parts of the province. So I don't think it would be appropriate to nail that down right now.

**Mr. Hudak:** That's the same thing we saw in the greenbelt legislation, where "hearing officer" is poorly defined. We talked about this in the greenbelt that it could be Lou Rinaldi, who I think has a lot of talents, but I don't know if I would think it is appropriate for the minister to appoint him as a hearing officer. At least this would be a step in the right direction and there would be some qualifications, rather than the partisan appointments that the minister may choose to do if there are not some qualifications brought in under the bill.

**The Chair:** Further discussion?

**Ms. Churley:** Recorded vote.

#### Ayes

Churley, Hudak.

#### Nays

Duguid, Matthews, Mossop, Rinaldi.

**The Chair:** That vote is lost.

Ms. Churley, page 15.

**Ms. Churley:** You can see I really care, with all these amendments. Are you going to pass one?

I move that section 7 of the bill be amended by adding the following subsection after subsection 7(3):

"Award of costs

"(3.2) Before a hearing begins, the hearing officer may award reasonable remuneration and expenses, as determined by the Lieutenant Governor in Council, to persons participating in the hearing."

This one, of course, is self-explanatory. It speaks to the fact that the planning process is immensely complex and expensive, which, to this point in time, has served to limit the public's involvement across the province. This is one of those where it allows—it doesn't compel, but it allows—the Lieutenant Governor in Council to determine what would be reasonable expenses for public participants taking part in the hearing—things such as expert witnesses, peer review of technical documents, prior to the commencement of a hearing. That way, because it is so complex, it will help open it up to the public and make the hearings much more vigorous in keeping with the public interest.

It comes down to the problem that there used to be, for instance—I'll give you an example, and this is certainly

not replacing that. I don't know if you'll recall this, but there used to be intervenor funding that was funded under the Attorney General's office—not funding out of the public purse, in that case, but for environmental assessments, for community groups to apply and get awarded. Again, it would be determined by the Environmental Assessment Advisory Committee—I believe that's what it was called at the time—which groups and how much money they would get. It would be awarded from the proponent, which would always be very large and have millions of dollars to spend on their own studies and lawyers.

Having been personally involved in one of those as a community activist and citizen, and having gotten, in that case, some money from Toronto city council, not the province, at the time, it just made all the difference in the world to have that money. We didn't spend it on ourselves; it was to hire some experts and a lawyer to help us through some of the more difficult technical aspects of the project.

Again, I would say that this is really important because of the complexities of development issues and the deep pockets that developers and their lawyers usually have when it comes to planning issues.

**Mr. Rinaldi:** It would not be appropriate to require participant funding as part of the bill.

**The Chair:** Any further discussion?

**Ms. Churley:** Recorded vote.

#### Ayes

Churley.

#### Nays

Duguid, Matthews, Mossop, Rinaldi.

**The Chair:** That vote is lost.

**Ms. Churley:** I move that subsection 7(4) of the bill be amended by striking out "the minister may" in the portion before clause (a) and substituting "the minister shall".

Again, for the sake of transparency and accountability and the rigour of proposed growth plans, the public should be notified of any modification—must be, in fact, notified of any modification—to proposed growth plans and be allowed the opportunity to provide input in writing to the minister.

1730

**Mr. Rinaldi:** The current wording looks at options, since edits and changes may be minor in nature and non-controversial. Making it mandatory will unnecessarily draw out the process.

**Ms. Churley:** What?

**Mr. Rinaldi:** The reason the section is here is to provide direction in those cases where the minister could consider, if necessary, to give notice.

**The Chair:** Ms. Churley, do you want a recorded vote on this one?

**Ms. Churley:** Yes, please.



**Ayes**

Churley.

**Nays**

Duguid, Matthews, Mossop, Rinaldi.

**The Chair:** That vote is lost.

The last motion in this section, 7(4.1).

**Ms. Churley:** I move that section 7 of the bill be amended by adding the following subsection after subsection 7(4):

“Same

“(4.1) Modifications proposed under subsection (4) must be posted on the environmental registry established under section 5 of the Environmental Bill of Rights, 2003 for at least 60 days before the modifications are eligible to be approved.”

This follows from my previous motion that lost, but it's the same notion. The motion actually forces the minister to post any modifications to a proposed growth plan on the EBR for a 60-day comment period. Again, I believe that, because of the implications these growth plans can have and will have on our communities, the public must have—not “might,” but must have—this opportunity.

**Mr. Rinaldi:** If this bill is passed, it's the government's intention to explore whether the Places to Grow legislation should be made a prescribed act under the EBR. If the proposed acts were to be prescribed, the government will follow all appropriate EBR requirements.

**Ms. Churley:** I'm sorry, I had a little trouble hearing you. You were saying that if the bill is passed, the minister will make sure that these growth plans are posted on the EBR?

**Mr. Rinaldi:** If the bill is passed, it's the government's intention to explore whether the Places to Grow legislation will be made a prescribed act under the EBR.

**Ms. Churley:** Do you have any idea why, at this point, the government is just looking into exploring, as opposed to thinking that this is the proper thing to do in this bill?

**Mr. Rinaldi:** I think we need to leave those options open because this is just enabling legislation. Growth plans will vary from different parts of the province.

**Ms. Churley:** Yes, they will vary, which is one of the reasons why it would be a good idea for communities to know, when this bill is passed, to be guaranteed that all these different growth plans for their area will be posted, so they will have the ability to read how it's going to impact on their community and have a chance to respond.

I'd like a recorded vote.

**The Chair:** Any further discussion? A recorded vote has been requested.

**Ayes**

Churley.

**Nays**

Dhillon, Duguid, Matthews, Rinaldi.

**The Chair:** That vote is lost.

Shall section 7 carry? All in favour? All those opposed? That's carried.

Shall section 8 carry? All those in favour? All those opposed? That's carried.

Shall section 9 carry? All those in favour? All those opposed? That's carried.

**Ms. Churley:** I move that section 10 of the bill be amended by adding the following subsection after subsection 10(3):

“Same

“(3.1) An amendment proposed under subsection (2) must be posted on the environmental registry established under section 5 of the Environmental Bill of Rights, 2003 for at least 60 days before the amendment is eligible to be approved.”

Again, this is to ensure public accountability and transparency of the process so that any amendment the minister proposes to a growth plan, like the growth plan itself, would be posted on the EBR, for the same reasons I expressed earlier: so the community can be aware of any changes that might be taking place and have the ability to comment on that before a final decision is made.

**Mr. Rinaldi:** I have basically the same explanation. We will explore the possibilities.

**The Chair:** Any further discussion?

**Ms. Churley:** I guess I'll let it go at that, but I'd like a recorded vote.

**The Chair:** A recorded vote has been requested.

**Ayes**

Churley.

**Nays**

Dhillon, Duguid, Matthews, Rinaldi.

**The Chair:** That vote is lost.

**Mr. Rinaldi:** I move that subsection 10(7) of the bill be struck out and the following substituted:

“Limitation

“(7) Subsection 5 does not apply to a proposed amendment that provides for growth strategies mentioned in clause 6(c) if the growth plan that would be amended does not contain such growth strategies for the affected area.”

This is really a companion amendment to the government motion on clause 6(c).

**The Chair:** Any discussion? All those in favour? All those opposed? That's carried.

**Mr. Rinaldi:** I move that subsection 10(9) of the bill be amended by striking out the portion before clause (a) and substituting the following:

“Distribution of decisions

“(9) The minister shall send a copy of any decision made by the Lieutenant Governor in Council that is authorized under subsection (4) or any decision made by



the minister under clause 5(b) with respect to an amendment to a growth plan to”,

This is really a technical change. It does not change any of the meanings or intents of the provisions.

**The Chair:** Any discussion?

**Ms. Churley:** This is a really important amendment, because it relates to my two failed amendments from before. It involves dissemination of decisions, and it doesn't reflect my earlier attempts, which got voted down, to make the overall process more publicly accountable and transparent. Really, I should have an amendment to this one. I know it'll be voted down so I won't bother, because I only have one vote here.

This is the kind of decision-making that needs to have some kind of accountability and transparency. Thus, part of this motion should also say that it will be posted on the EBR for 60 days. I'm not making that amendment because, given what happened with my previous amendments, I quite rightly am assuming it would be voted down. But really, this is the same problem. There's nothing in these motions and the bill as is—this is not fair to the public.

**The Chair:** Further discussion? Seeing none—

**Ms. Churley:** Recorded, please.

**The Chair:** A recorded vote has been requested. All those in favour?

**Ayes**

Churley, Hudak, Matthews—

*Interjections.*

**The Chair:** Sorry. All those in favour of the motion?

**Ms. Churley:** Oh, that was a government motion. What am I doing?

**The Chair:** Yes. I thought I'd clarify that. Those in favour?

**Ayes**

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

**Nays**

Churley.

**The Chair:** That is carried.

Shall section 10, as amended, carry? All those in favour? All those opposed? That's carried.

Shall section 11 carry? All those in favour? All those opposed? That's carried.

Ms. Churley.

**Ms. Churley:** It's just that I have so many amendments that I thought we must be voting on one of mine again.

I move that subsection 12(2) of the bill be struck out and the following substituted:

“Deadline

“(2) The official plan must conform with the growth plan within two years after the growth plan is approved.”

The government has introduced a motion to bring municipal plans into conformity with growth plans by the third anniversary of the date the growth plan comes into effect—right? Three years from the date the growth plan comes into effect is still too long, and expert witnesses tell us it's too long. It could actually be stretched out to four years. There could be extensive changes in official plans and major infrastructure projects initiated by municipalities prior to conformity being required.

The Oak Ridges Moraine Conservation Act—Mr. Hudak will appreciate this. Remember, your government made sure that the Oak Ridges Moraine Conservation Act gave affected municipalities 18 months—only 18 months—to come into conformity with that plan. So I would say that in this case there should be at least a maximum two-year conformity provision. That's why this amendment is before us.

1740

**The Chair:** Further debate?

**Mr. Rinaldi:** Ms. Churley is quite right; the motion is for three years. We believe two years is just too short a time, considering the complexities. We're talking about a growth plan here. We're not talking about the Oak Ridges moraine with specific boundaries, and it does change.

**The Chair:** Further discussion? Do you want a recorded vote?

**Ms. Churley:** Yes, please.

**The Chair:** A recorded vote has been requested.

**Ayes**

Churley, Hudak.

**Nays**

Dillon, Duguid, Matthews, Mossop, Rinaldi.

**The Chair:** That vote is lost. Mr. Rinaldi?

**Mr. Rinaldi:** I move that subsection 12(2) of the bill be struck out and the following substituted:

“Deadline for amendments

“(2) The council or municipal planning authority shall make any amendments required by subsection (1) before the third anniversary of the date on which the growth plan comes into effect.

“Same

“(3) Despite subsection (2), if the minister directs the council or municipal planning authority to make the amendments required by subsection (1) on or before a different date, the council or municipal planning authority shall do so.”

We talked about this already in the earlier statement.

**The Chair:** Any discussion? Seeing none, all those in favour? All those opposed? That's carried.

Shall section 12, as amended, carry? All those in favour? All those opposed? That's carried.

The next motion is yours, Mr. Hudak.

**Mr. Hudak:** Do you want me to read that into the record to make it official?



**The Chair:** Yes, please.

**Mr. Hudak:** I move that clause 13(1)(a) of the bill be amended by striking out “advise the municipality or municipal planning authority of the particulars” and substituting “consult with the municipality or municipality about the particulars”.

As we have said during debate in the House and here at the committee, we are greatly concerned about the authority that the minister takes upon himself. While this bill is not as egregious as other pieces of legislation like Bills 135 or 26, it is part of a pattern. We just finished debating—in fact, I regret I couldn’t be here earlier—Bill 92, which talks about consulting with municipalities. But we see here the opposite approach taken under Bill 136. So I think if the government members want to be consistent with Bill 92, they will support my amendment.

**Mr. Rinaldi:** This motion really relates to advising municipalities about non-conformity. This is covered off already in the proposed bill.

**Mr. Hudak:** Then what’s the harm?

**The Chair:** Any further discussion? Seeing none—

**Mr. Hudak:** Recorded vote, Chair.

#### Ayes

Hudak.

#### Nays

Dillon, Duguid, Matthews, Mossop, Rinaldi.

**The Chair:** That vote is lost.

Mr. Rinaldi?

**Mr. Rinaldi:** I move that subsection 13(1) of the bill be amended by striking out “subsection 12(2)” in the portion before clause (a) and substituting “subsection 12(3).”

This is required as a result of the motion on 12(2).

**The Chair:** Any discussion? Seeing none, all those in favour? All those opposed? That’s carried.

**Mr. Hudak:** Despite the fact that we’ve just had an amendment on subsection 13(1), I move that subsections 13(2) and (3) of the bill be struck out.

**The Chair:** Any discussion?

**Mr. Hudak:** Certainly. I’m pleased to bring this particular amendment forward. I think it’s important, again, for some of the reasons I brought forward in my last amendment, and that is the considerable authority that the minister is taking upon himself or herself down the road with respect to municipalities’ official plans. The government on one hand says they’re trying to establish a new working relationship with municipalities, that they’re going to consult more closely, work with them hand-in-hand, but we see in legislation over and over again action that belies that motive. There are some pieces of legislation, like Bills 26, 27 and 135, among others, that take considerable power into the minister’s office or in cabinet. Bill 92, on the other hand, pushes in the opposite direction, but it seems in the government’s mind not to be

worth the paper it is written upon, because routinely municipalities’ advice or decisions are ignored by this government. Therefore, this government has not earned the trust to have the considerable powers of subsections 13(2) and (3), and therefore, appropriately, they should be taken out of this bill.

**Mr. Rinaldi:** Those sections really speak to ensuring formally with the growth plan and they’re required to ensure implementation of the growth plan.

**The Chair:** Further discussion?

**Mr. Hudak:** Recorded vote.

#### Ayes

Hudak.

#### Nays

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

**The Chair:** That vote is lost.

Shall section 13, as amended, carry?

**Mr. Hudak:** Recorded vote.

#### Ayes

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

#### Nays

Churley, Hudak.

**The Chair:** Section 13 is carried.

Mr. Rinaldi.

**Mr. Rinaldi:** I move that subsection 14(1) of the bill be amended by inserting “or made by such other persons or bodies as may be prescribed” after “including the Ontario Municipal Board”,

This is a technical change. The section already allows for prescribing other legislation in the future. This amendment will capture additional decision-makers that PIR may encounter in the future through regulation.

**The Chair:** Any discussion? Seeing none, shall the amendment carry?

All those in favour? All those opposed? That’s carried.

Ms. Churley, the next motion.

**Ms. Churley:** I move that subsection 14(5) of the bill be amended by adding the following clause after clause 14(5)(a):

“(a.1) the greenbelt plan established under section 3 of the Greenbelt Act, 2005 and any amendment to the plan;”

I understand that the government has also made this amendment, but as the greenbelt act and plan had yet to become law when 136 was drafted, this amendment would ensure that when there’s conflict between a growth plan and the greenbelt plan, the plan which provides more protection to the natural environment or human health prevails.

I guess what I’d like to say about the government’s amendment, and perhaps it was just an oversight, is that it really should be amended to be “the natural environ-



ment and human health.” Right now, what it says is the “natural environment or human health.” I don’t know if I can amend this from the floor, or if you’d be amenable to that. I guess we’re dealing with mine, but when we deal with yours, there’s a problem within that amendment.

**The Chair:** Mr. Rinaldi, do you want to speak to the amendment that is on the floor?

**Mr. Rinaldi:** Yes, Madam Chair. This is the subject of a more extensive amendment that’s coming forward through the government motion.

**The Chair:** Thank you. Any further discussion?

All those in favour? All those opposed? That’s lost.

Mr. Rinaldi.

**Mr. Rinaldi:** I move that clause 14(5)(b) of the bill be struck out and the following substituted:

“(b) the greenbelt plan established under section 3 of the Greenbelt Act, 2005 and any amendment to the plan;

“(b.1) the Niagara Escarpment plan established under section 3 of the Niagara Escarpment Planning and Development Act and any amendment to the plan;

“(b.2) the Oak Ridges moraine conservation plan established under section 3 of the Oak Ridges Moraine Conservation Act, 2001 and any amendment to the plan;”

**The Chair:** Any discussion?

**Mr. Rinaldi:** Yes, if I may speak. It was always the government’s intention to ensure that the Places to Grow legislation will be recognized and reflected under the greenbelt plan. However, this language could not be included in Bill 136 at the time of drafting, as Bill 135 had not come into force.

**The Chair:** Any discussion? Seeing none, all those in favour? All those opposed? That’s carried.

Shall section 14, as amended, carry? All those for? All those opposed? That’s carried.

Section 14.1.

**Ms. Churley:** I move that the bill be amended by adding the following section after section 14:

“Actions to conform to plan

“14.1 Despite any other act, no municipality, municipal planning authority, planning board or other local board shall, within the areas to which a growth plan applies,

“(a) undertake any public work, improvement of a structural nature or other undertaking that conflicts with the growth plan; or

“(b) pass a bylaw for any purpose that conflicts with the growth plan.”

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This amendment is here because, given the focus of Bill 136 on infrastructure planning, it contains absolutely no provision requiring that these things I mentioned, like municipal works and structural improvements and other municipal undertakings, conform with the growth plans established under the act, yet the government’s Greenbelt Act does include such provisions.

It was subsection 7(3) that stated that “no municipality or municipal planning authority shall, within the areas to which the greenbelt applies,

“(a) undertake any public work, improvement of a structural nature or other undertaking that conflicts with the greenbelt plan.”

Given the significant implications that municipal infrastructure developments would have on the growth plans—I could go on like I did under the greenbelt discussions about the big pipe in the Barrie area being a good example of that—the act should clearly state that they have to conform to the growth plans. It was good enough for the greenbelt. Why wouldn’t it be good enough for this plan?

**Mr. Rinaldi:** The bill, as currently drafted, already will require decision-makers under the Planning Act, the Condominium Act, to conform to a growth plan. In addition, other types of decisions under the other acts will be required to conform by way of cabinet regulations.

**The Chair:** Further discussion?

**Ms. Churley:** Recorded, please.

**Ayes**

Churley.

**Nays**

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

**The Chair:** The vote is lost.

Ms Churley, your 14.2.

**Ms. Churley:** I move that the bill be amended by adding the following section after section 14:

“Crown undertakings to conform to plan

“14.2 An undertaking within the meaning of section 1 of the Environmental Assessment Act that is initiated or financed by the crown must conform with any applicable growth plan.”

Again, provincially initiated or financed undertakings may also have significant implications for the effectiveness of the growth plans under the act. As stated earlier, one of the primary purposes of Bill 136 is to give direction to provincial infrastructure investments. If we don’t follow through with this amendment, we cannot be assured that provincially initiated or financed undertakings at least conform with the growth plans. They have been left out. It’s extremely significant. Why would everybody else have to be in but not the government itself?

**Mr. Rinaldi:** This is not appropriate. The government initiates and finances undertakings for purposes other than implementing a growth plan. Having to conform could restrict the ability to meet other objectives in the future.

**The Chair:** Any further discussion?

**Ms. Churley:** I brought this up earlier. The government, surely everybody, would agree—I know Mr. Hudak and others support all these highways and various other infrastructure, his beloved Niagara—

**Mr. Hudak:** Mid-peninsula corridor.



**Ms. Churley:** The mid-peninsula and all of those, but—

**Mr. Rinaldi:** No respect.

**Ms. Churley:** None whatsoever.

I call it the Niagara highway; no, none, on that. Nonetheless, whether you support these highways or not, the fact is that everybody else, municipalities, has been told they have to conform, but you can actually go in there in the growth areas and do whatever you want: build a highway or any other infrastructure, whereas the municipalities or anybody else can't do that. What's wrong with this picture? You would agree, wouldn't you?

**The Chair:** Any further discussion? Do you want a recorded vote on this, Ms. Churley?

**Ms. Churley:** A recorded vote, please.

### Ayes

Churley.

### Nays

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

**The Chair:** That is lost.

Shall section 15 carry? All those in favour? All those opposed? That's carried.

**Mr. Rinaldi:** I move that the bill be amended by adding the following section after section 15:

"Delegation by minister

"15.1 The minister may delegate in writing any of his or her powers or duties under this act come to one or more crown employees within the meaning of the Public Service Act."

Madam Chair, if I may, this is really a technical change. Other ministries have this power via their general acts, but PIR has no general act. Inclusion will make it explicit that the minister has this authority.

**The Chair:** Any further discussion?

All those in favour? All those opposed? That's carried.

Shall section 16 carry? All those in favour? All those opposed? That's carried.

Mr. Rinaldi.

**Mr. Rinaldi:** I move that clause 17(1)(a) of the bill be amended by inserting "persons, bodies" after "prescribing".

If I may, this is another technical change. It's a companion change to government motion 14(1). Motion 14(1) will capture additional decision-makers that PIR may encounter in the future through regulations.

**The Chair:** Any discussion?

**Mr. Hudak:** These things go by quickly. We did vote against—at least I did vote against—section 16, which, I remind members of the committee, takes away the Statutory Powers Procedure Act fundamental rights from individuals. Unfortunately, we've seen this reflected in other legislation, including the Greenbelt Act. I know that has skirted past. In the interests of time I won't belabour that point, but I do think it's worth noting that

16, which passed despite my vote against, does take substantial powers away from individuals and other people who would be interested in this legislation.

I appreciate the parliamentary assistant's advice on 17(1)(a), but I wanted to register a concern about 16 before it, which colours 17(1)(a) badly.

**The Chair:** Any further discussion?

Seeing none, all those in favour of the motion? All those opposed? That's carried.

Shall section 17, as amended, carry? All those in favour? All those opposed? That's carried.

Mr. Rinaldi.

**Mr. Rinaldi:** I move that clause 18(1)(c) of the bill be struck out and the following substituted:

"(c) prescribing anything that is referred to in this act as being prescribed, other than those matters with respect to which the Lieutenant Governor in Council is authorized by section 3 or subsection 17(1) to make regulations;"

This once again is a technical change. This does not change the intent, but clarifies the limits of the minister's regulation-making authority.

**The Chair:** Any discussion?

**Mr. Hudak:** We should know, and I think members of committee do, that this is very serious. Like section 16, sections 17 and 18 give considerable power to the minister and to cabinet via regulation to make decisions without ample public consultation. It's an abrogation of rights that we're seeing as a pattern in this piece of legislation. I voted against section 17, and I will similarly voice my concern against section 18, and hope some of my colleagues across the floor will do so as well.

**The Chair:** Any further discussion?

All those in favour of the amendment?

**Mr. Hudak:** Recorded vote.

### Ayes

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

### Nays

Churley, Hudak.

**The Chair:** That vote is carried.

Shall section 18, as amended, carry? All those in favour? All those opposed? That's carried.

Shall section 19 carry? All those in favour? All those opposed? That's carried.

Ms. Churley.

**Ms. Churley:** Do I get the last word?

**The Chair:** There's more.

**Ms. Churley:** One more. We're doing section 20, right?

I move that section 20 of the bill be struck out and the following substituted:

"Commencement

"20. This act shall be deemed to have come into force on the day on which it received first reading (October 28, 2004)."



This act creates numerous transition issues. Developers are, as we well know, scrambling at present to get their developments into the approvals pipeline in advance of the draft growth plan for the greater Golden Horseshoe, before it's finalized—and who can blame them? That's their job; that's what they do. So there needs to be a clear date after which Bill 136 will apply, wouldn't you agree?

**The Chair:** Any discussion?

**Mr. Rinaldi:** This is really not necessary. The real issue should be when a growth plan comes into effect, which will be the day that it is approved. There's no relation to the day when the act will come into force.

**Ms. Churley:** You know that's not true.

**The Chair:** Any further discussion? Seeing none—do you want a recorded vote on this one, Ms. Churley, as well?

**Ms. Churley:** I guess so.

**Ayes**

Churley.

**Nays**

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

**The Chair:** That vote is lost.

Shall section 20 carry? All those in favour? All those opposed? That's carried.

**Mr. Hudak:** I move that section 21 of the bill be amended by striking out "Places to Grow Act, 2005" and substituting "Almost Smart Growth Act, 2005."

**The Chair:** Any discussion?

**Mr. Hudak:** This is a tribute to Mike Harris, Chris Hodgson and those who worked on Smart Growth. Many of the same staff now working at the Ministry of Public Infrastructure Renewal worked on those initiatives. We thank them for all of those efforts as well. I think the minister has cherry-picked some of our ideas; we're pleased to see those ideas moving forward. We do have concerns as well, as I've voiced, with some of the other directions that have been taken.

I want to register an ongoing concern: We had hoped that we would see a more comprehensive approach to the issues—the ministers working hand in hand, instead of the various ministries going off in various directions. But we lose sight of that once in a while in politics; we hear it too often in the House. I think we should recognize the work of our predecessors in this place, and that's why I hope my colleagues will join me in that support by changing the short title of the act.

**The Chair:** Any more discussion? Mr. Rinaldi, you can't resist, I can tell.

**Mr. Rinaldi:** I can't resist. The minister did acknowledge all the work the previous government has done, and groups, and we're finally making it happen.

**The Chair:** Did you want a recorded vote on this, Mr. Hudak?

**Mr. Hudak:** Of course.

**Ayes**

Churley, Hudak.

**Nays**

Dhillon, Duguid, Matthews, Mossop, Rinaldi.

**The Chair:** Unfortunately, it's lost.

Shall section 21 carry? All those in favour? All those opposed? That's carried.

Shall the preamble carry? All in favour? All opposed? That's carried.

Shall the title of the bill carry? All those in favour? All those opposed? Carried

Shall Bill 136, as amended, carry? All in favour? All opposed? That's carried.

Shall I report the bill, as amended, to the House? All in favour? All opposed? That's carried.

This concludes the committee's consideration of Bill 136. I'd like to thank all the colleagues on the committee for their work on the bill. The committee also thanks the committee staff, the ministry staff and the members of the public who contributed to the committee's work, particularly the research staff.

The committee now stands adjourned until 10 a.m. on May 4.

Committee, we found out today that the budget has changed the order of our next bill. Would committee have time to quickly determine some new dates, or shall we do a subcommittee at another time?

**Ms. Churley:** What's the next bill?

**The Chair:** Bill 155. We're doing Bill 3 first, but Bill 155 had predetermined dates that will now have to be changed because of the budget.

**Mr. Hudak:** I'm sitting on this as the municipal affairs critic. I don't normally sit on this committee, so if it's possible, maybe the regular subcommittee could get together.

**The Chair:** So our choice is at the regular committee on the 4th. We will discuss it then. Thank you. We're adjourned.

*The committee adjourned at 1803.*



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## Legislative Assembly of Ontario

First Session, 38<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 38<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 4 May 2005

# Journal des débats (Hansard)

Mercredi 4 mai 2005

## Standing committee on general government

Anaphylactic Students  
Protection Act, 2003

## Comité permanent des affaires gouvernementales

Loi de 2003 sur la protection  
des élèves anaphylactiques



Chair: Linda Jeffrey  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GENERAL GOVERNMENTCOMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES

Wednesday 4 May 2005

Mercredi 4 mai 2005

*The committee met at 1001 in room 151.*ANAPHYLACTIC STUDENTS  
PROTECTION ACT, 2003LOI DE 2003 SUR LA PROTECTION  
DES ÉLÈVES ANAPHYLACTIQUES

Consideration of Bill 3, An Act to protect anaphylactic students / Projet de loi 3, Loi visant à protéger les élèves anaphylactiques.

## SUBCOMMITTEE REPORT

**The Chair (Mrs. Linda Jeffrey):** Good morning. The standing committee on general government is called to order. We're here today for the purpose of commencing public hearings on Bill 3, An Act to protect anaphylactic students.

The first item of business on our agenda is the report of the subcommittee on committee business. Mr. Levac, would you move the report of the subcommittee and read it into the record.

**Mr. Dave Levac (Brant):** This is a report to the standing committee on general government as follows:

Your subcommittee met on Thursday, April 28, 2005, to consider the method of proceeding on Bill 3, An Act to protect anaphylactic students, and recommends the following:

(1) That the committee meet in Toronto for the purpose of public hearings on Bill 3 on Wednesday, May 4, 2005, from 10 a.m. to 12 p.m.;

(2) That an advertisement be placed on the OntParl channel and the Legislative Assembly Web site;

(3) That the deadline for those who wish to make an oral presentation on Bill 3 be Monday, May 2, 2005, at 6 p.m.;

(4) That the clerk, in consultation with the Chair, determine the amount of time to be offered witnesses for their presentations in order to accommodate as many requests to appear as possible;

(5) That the deadline for written submissions on Bill 3 be Tuesday, May 3, 2005, at 6 p.m.;

(6) That amendments to Bill 3 should be received by the clerk of the committee by Wednesday, May 4, 2005, at 12 p.m.;

(7) That the committee meet for the purpose of clause-by-clause consideration of Bill 3 on Wednesday, May 4, 2005, at 3:30 p.m.;

(8) That staff from the Ministry of Health and Long-Term Care and the Ministry of Education be present during the clause-by-clause consideration in order to answer questions;

(9) That the research officer provide the committee with a two-page summary on anaphylactic shock and response;

(10) That the clerk of the committee, in consultation with the Chair, be authorized, prior to the passage of the report of the subcommittee, to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

So reported, Madam Chair.

**The Chair:** Thank you, Mr. Levac. Any questions or comments on the report of the subcommittee? Seeing none, all those in favour? All those opposed? That's carried.

CANADIAN SOCIETY OF ALLERGY  
AND CLINICAL IMMUNOLOGY

**The Chair:** We'll get on to our agenda. The first group that has asked to appear before us is the Canadian Society of Allergy and Clinical Immunology, Susan Wasserman. Good morning. Could you identify yourself and the group that you speak for. When you do begin, you'll have 10 minutes.

**Dr. Susan Wasserman:** My name is Dr. Susan Wasserman. I'm president of the Canadian Society of Allergy and Clinical Immunology, which is the largest national organization of allergists across the country. I'm also on the faculty at McMaster University as an allergist/clinical immunologist.

I'd like to begin by thanking this committee for the opportunity to speak here this morning, and Dave Levac in particular for drafting this legislation for Bill 3. I'm going to give a short presentation of a few minutes, attending to some of the medical issues on anaphylaxis, and then would be happy to address any questions.

Anaphylaxis is a potentially life-threatening allergic reaction. It involves several body systems, many different systems can present, and it can be life-threatening, affecting both the airway and circulation.

As a conservative estimate, probably 1% to 2% of Canadians are affected, which is about 600,000 people. Recent statistics from the United States actually show prevalence figures of about 3% to 4%, and there's



reasonable expectation that this is likely what it is in Canada now as well.

These are some of the common triggers of anaphylaxis: foods, insect stings and medication. Some of the less common that you may be familiar with are things such as latex rubber exposure, exercise, allergy injections in the doctor's office and then just unknown causes.

It's important to remember that food allergies don't just refer to nuts. In North America, there are probably eight food groups which account for 90% of all food allergic reactions. In children, these are most commonly milk, eggs, peanuts, tree nuts, fish and shellfish. Milk and egg allergies often resolve by school age but other allergies such as peanuts, tree nuts and shellfish are often lifelong.

These are some of the signs and symptoms of anaphylaxis which are extremely important to recognize: It can cause itching of the face, as well as redness and swelling; there can be trouble breathing, swallowing or speaking; it can result in abdominal pain, vomiting and diarrhea. Ultimately, the patient can become pale, have a sense of doom, and eventually lose consciousness because of the effects on the circulation and respiratory system.

Signs and symptoms of anaphylaxis can be deceptively mild at first. They can appear just as a few hives, a little bit of anxiety, nausea, and then quickly progress to produce more severe symptoms and result in death, sometimes within half an hour to an hour.

What have we learned from some of the research out there? What are the key lessons from the fatalities from anaphylaxis? This is from a study that was published a number of years ago, but the messages are recurrent and important.

First of all, epinephrine, which is the treatment of choice for anaphylaxis—available as an EpiPen, familiar to most of you—was not readily available at the time of the reaction. All of these fatalities had a previous history of anaphylaxis. The food-allergic person ate something that they thought was safe. Signs and symptoms were not recognized either by the person who experienced the allergic reaction or by the people around them. Often these children are asthmatic, and it is a common theme throughout that asthmatics have a greater incidence of fatality from anaphylaxis. They're often teens and young adults and many times they're also away from home, though other research shows that there are also fatalities within home exposures as well.

The EpiPen—or adrenalin or epinephrine; all synonymous—is the life-saving medication, the treatment of choice for anaphylaxis. It's the preferred device for patient use because it's automatic, available as an auto-injector and contains one single dose of adrenalin. Most important for this committee and others to remember: There are no contraindications to the use of adrenalin.

What research has shown us about the use of adrenalin, or this automatic EpiPen, is that many people are not familiar with its use or availability. In one study, 63% of Canadian study participants could not demonstrate

proper use. This was a study that was carried out by pharmacists. It looked primarily at parents of allergic children who had been trained previously, in many cases. Many of them could not demonstrate proper use of an EpiPen, yet these were precisely the people who were in charge of these allergic children.

Medical professionals did not fare any better. At a medical conference, only 25% of medical professionals could demonstrate the three steps of the EpiPen injection correctly. Many of them, when questioned further, did not even have a placebo EpiPen trainer available in their clinics or offices to demonstrate the use of an EpiPen. This is not a difficult tool to use, but it does take practice and it does take knowledge.

So what we do about the EpiPen, the treatment of choice for anaphylaxis, which is life-saving in almost cases, if available? We've got to train and retrain all our staff, and it's not just in the use of the EpiPen but in all the risk factors predisposing to an anaphylactic reaction. There has to be education regarding the avoidance of the allergen in question, there has to be education regarding the signs and symptoms of anaphylaxis and, lastly, in the proper use of the EpiPen.

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One of the position papers that our society was instrumental in putting out in 1995 was something called Anaphylaxis in Schools and Other Childcare Settings. This position paper followed the death of two students in an Ontario school and camp, and it turned out to be a landmark document. It's had very wide national and international distribution in Canada, the US and across Europe. It's been the gold standard in terms of treatment, both in hospitals and educational settings. We anticipate an updated position paper in the fall of 2005. Our society, in conjunction with other groups, is already hard at work at updating this paper.

What this paper has demonstrated to us in addition is that anaphylaxis planning can make a difference to outcome. With awareness and adoption of policies and procedures in schools over the years, we have actually seen a significant improvement. This is from a study by Jane Salter of 32 food-induced anaphylactic deaths in Ontario between 1986 and 2000: Between 1986 and 1994, there were six deaths in camp or school; between 1994 and 2000, there were no deaths, which we attribute to a wide educational program that began around the time of these initial unfortunate deaths. Things were good until September 2003, with the tragic and unfortunate death of Sabrina Shannon, whose mother you'll be hearing from later this morning.

We believe that Bill 3 will help save lives. A growing number of children are at risk. The incidence of food anaphylaxis shockingly has doubled in children in the past decade, and there's good data in the States to support that this is actually now up to 3% to 4%. Children count on school communities for support. They spend a large part of their day there, and it is important that everybody be aware of this extremely timely and important issue. All school staff must know how to reduce the risk of



anaphylaxis, recognize the signs and symptoms of an allergic reaction and give the EpiPen when indicated.

The Canadian Society of Allergy and Clinical Immunology is extremely committed to assisting with Bill 3 and everything involved in its implementation, both at the community and school levels.

I thank you for your attention and would welcome any questions from this committee.

**The Chair:** Thank you for your presentation. You've left about a half a minute for each party, beginning with Mr. Yakabuski.

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** Thank you very much for joining us this morning, Dr. Wasserman. It's good to have you here. Obviously, we don't have time for questions, but I certainly want to take this opportunity to thank Mr. Levac as well for bringing forward this bill. We've worked closely with him since it was introduced and we believe, on our side of the House, that it will be supported by everyone. We believe it is necessary and will save lives. So thank you very much for your presentation today.

**Mr. Gilles Bisson (Timmins–James Bay):** I've got two specific questions, if you could answer them quickly. It's a good bill, going in the right direction. I just worry about two things. One is the resources needed in schools as far as dollars to make sure they have the money to do the training and provide the support that's needed to make this happen. Should that be dealt with in some way within the bill?

I guess the other thing is, as I understand the bill—and maybe Mr. Levac has to answer this—if the school doesn't do what's called for in the bill, there doesn't seem to be anything here to force them to do it. There's no remedy or no penalty. I'm just wondering, from your perspective, should there be a penalty in the event that the school doesn't follow the act?

**Dr. Wasserman:** Two very good questions, which I'll try and address. There is no question that the bill is important and addresses many issues at the school level, but without the proper implementation, we will be back to the same position that we're now in, which is good progress but not enough.

We are already well advanced in having created a good anaphylaxis program that can be implemented in an easy fashion. This is Web-based and can be taken into the schools by physicians, public health nurses and others. Our society is committed to doing the legwork to get people into the schools to do the teaching, but it will take resources. I can't give you an exact dollar amount, but without being able to have the proper resources to bring it into the schools, it will not be implemented the way it ought to be and the way we foresee it. Should there be a dollar amount? Definitely. There's going to have to be some support of this bill to actually bring it into the schools, and we will work hard to do that in a timely and effective manner.

At the beginning, it will likely take physician input until everybody is on board, to make sure that the training is done properly. After that, there's no reason why

lay people, committed support people, parents and others could not do this teaching within the schools. I see this as an expense that would not be escalating but, if anything, diminishing over time once it's on board.

Should there be a penalty? I expect that once this is brought to the schools, there's reasonable expectation that people will carry it through. I would hate to think that after all this, we'd be in a school situation where there's been an accidental ingestion and people are still standing around wondering what to do, and not bearing any penalty for what is really a preventable tragedy. So yes, I would think that once this gets implemented, there has to be something that enforces it on a school level.

**Mr. Levac:** Thank you so much for your presentation and your support. Just a quick comment on the last salvo: The principal has the duty of care. In terms of expectations, it wasn't felt that a punitive position should be taken in the bill itself. It still leaves room for civil actions if there was negligence found. There have been lawsuits going on forever in school boards for people slipping on a piece of ice and breaking their leg. So in this case, the hope on this bill is education, education, education.

I'll leave it at that. Thank you again for the support we've received in trying to get this bill passed, and I thank my colleagues.

**The Chair:** Thank you, Dr. Wasserman. That was a very interesting presentation.

**Dr. Wasserman:** Thanks very much. I would support what Dave Levac said: education, education, education.

## ANAPHYLAXIS CANADA

**The Chair:** Our next delegation is Anaphylaxis Canada, Laurie Harada.

**Mr. Bisson:** Oh, you guys share the laptop?

**Ms. Laurie Harada:** Yes. We're hoping this laptop works.

**The Chair:** When you get going, could you identify yourself for Hansard and the organization that you speak for. When you do begin, you have 10 minutes.

**Ms. Harada:** First of all, thank you very much for letting us be here. My name is Laurie Harada and I'm the executive director of Anaphylaxis Canada, which is a non-profit group dedicated to helping people with life-threatening allergies. I'm also the mother of a 10-year-old who has multiple food allergies. I'm not going to say too much about him, because he's here to talk for himself.

Last November, Anaphylaxis Canada submitted our comments on the bill, which we thought was excellent. We're very grateful to Mr. Levac for having the foresight and vision to create such a bill, and it's very important and meaningful for us. Overall, it's a great bill. We had added comments about enhancing it, and we know that not all of them will get into the bill itself, but we would ask respectfully that you consider them for the regulations.

There's a good, bad and ugly side of anaphylaxis. The ugly side is that it can cause fatalities, and it has. You're



going to hear from Sabrina Shannon's mum, Sara, about this tragedy. It's one of a parent's worst nightmares, possibly, that your child goes to school healthy and one day doesn't come back because they've suffered a reaction.

The bad side is that right now there's no cure. The only way to avoid having an allergic reaction is to avoid whatever you're allergic to. In the case of food, this is very difficult. It's not always easy to be on guard, and accidents happen, even though best measures are in place. As Dr. Wasserman mentioned, food allergies are on the rise, so this is not a problem that is going to go away real soon. As she also talked about, epinephrine is the life-saving medication. Unfortunately, a lot of people don't know how to use it.

The good side—and this is where I'd like to focus today, because this is what Bill 3 is all about: education and prevention—is that it can be managed. Fatalities are rare. But children need the support of their communities. This is where they're spending most of their waking hours. In 2003, Anaphylaxis Canada surveyed all 72 Ontario school boards and asked them about their policies. One of the questions we asked was, "Do you have an anaphylaxis policy in place?" Out of the 72 boards, 63 responded, and 59 said, "Yes, we do, and by the way, we're willing to share as well," which was great news to us. Kudos to these boards who have things in place. Hats off to all these schools that are doing a great job. That's wonderful. We'd like to see more of it.

Our concerns are that at the school level these policies have not drilled down consistently into effective plans. That is where they need to be. If they are not drilled down into good policies at the school level, then it's no good having a board policy, and this is what Bill 3 means to us.

More than 40,000 kids are at risk for anaphylaxis. We looked at the Ministry of Education Web site and at the Quick Facts from 2001, which suggest that there are 2.1 million kids in the Ontario school system and just under 5,000 schools. With the generally accepted statistic of 1% to 2% being at risk, what that means is that in an average school you're going to have between four to seven kids. In a high school you're going to have much more, because the high school environment is bigger, so you're going to have nine to 17 kids. Clearly, something has to be in place.

**1020**

In terms of our comments on the bill itself, one of the things we realized was that it was silent on the role of the board. We feel that the board, first and foremost, has jurisdiction over all of its schools and it sets the directives. They need to be responsible. The boards need to work with their different employee groups to ensure that there is a good policy in place that addresses all matters, and this policy needs to be in writing. The responsibilities have to be clearly defined.

The next level would be to set directives for the schools, mandating them to have a plan and to ensure that there is follow-through at each and every school to make

sure that they're doing what they should be doing. There should also be support for training, resources, whatever these schools need. All schools must have a plan, and that plan has to be written. The principal in that school should be responsible for what happens in their own environment.

In terms of establishing the management plan, again, it's got to be in writing. We have had cases where parents have said that their school principal changed three or four times in seven years, and with each change in administration, because there was no written plan, the policy changed. It must be very difficult for that whole community to manage when the roles keep changing every year to year and a half.

The principal must ensure compliance. We've had issues where non-compliance issues have not been addressed, putting kids at risk repeatedly.

The best way to get information about these kids at risk is at time of registration, whether it's at JK or when you get a transfer student—that's the best.

It's important to work with the parents, the guardians, or if the pupil is 18 or older, to make sure there's a good plan that's suitable for that person.

There should be a standard plan that would fit the vast majority of these kids, but there might some tweaking required in special cases.

There need to be timelines. You can't wait forever. The plan should be put in place within 30 days. We think that's reasonable.

The information about these kids should be accessible to all staff.

In terms of the contents, again, one of the things we felt the bill was silent on is that anaphylaxis management in schools is a shared responsibility. We don't expect the schools and the school community to just be there for the kids; the kids have to do things for themselves, such as carrying EpiPens, and the families—parents like myself—have to do our part to make sure you have the right medical information. It's not just the schools' involvement that we're asking for.

There need to be strategies to minimize the risk on the school site, meaning the building and physical surroundings, such as a playground. It should also extend to supervised off-site activities, because a lot of these kids go away for competitions, sports events and field trips, and that's just as important.

Medication for anaphylaxis—I think this was covered in the bill—should not be locked up. You need ready access. Dr. Wasserman talked about the rapidity of a reaction. So it's important that the emphasis should be on early response when there is a reaction.

One of the issues we're facing is with teens in high schools, because they don't always assess risk well and they don't always carry their EpiPens. We're not saying that schools should be carrying them for them; it's just that in the worst-case scenario, where there's a reaction and there's backup available, it's very helpful. In the high school environment, these offices are often closed at 4:30, but you still have kids working on different activities that are in the school, so that should be considered.



I'd like to reinforce what Dr. Wasserman said: All staff have to be trained. When these kids are out on the playground, they may not be under the supervision of their homeroom teacher or their base teacher. When they're on school trips or going to different classes, it's very important for all staff to recognize who is at risk.

Again, just to hit on some of the points that Dr. Wasserman talked about, epinephrine is the first-line medication. There have been cases where there have been good plans but still parents have gotten calls, where their child is in the throes of a reaction, saying, "What do we do?" and the parents saying, "Give the pen. Get them to the hospital." That should have been followed through already.

We're here to help. We work very closely with the Canadian allergists. Anaphylaxis Canada is part and parcel of a project team working on the guidelines that Dr. Wasserman talked about. We are not the medical experts; we're the content experts, because we live with this stuff 24/7. We've got kids at risk, so we can understand how to help translate the medical-speak into patient-speak or the right language for educators.

Thank you again for bringing the bill this far. It's a very positive day for all of us. We're hoping it will go through, and go through quickly.

**The Chair:** Normally we go to Mr. Bisson, but I'll go to the government side. Mr. Levac, you have almost a minute.

**Mr. Levac:** Thanks very much for the presentation. I guess the question I would ask is, in its present form, is the bill a good stepping stone to those improvements? I think I heard you say that you'd like to see some of these things in regulation. Would that be acceptable?

**Ms. Harada:** Perfectly, as long as the regulation means that there is some accountability still, because that's really what this bill is all about.

**Mr. Levac:** I picked up on your comment about boards, and I think we might be able to accommodate that. I would just like to comment that OSSTF, OECTA, ETFO, all of our stakeholders on the teacher side have been supportive of what we're trying to accomplish, as well as the principals' associations, the boards, the trustee associations. They're giving us feedback about how we can accomplish many of the things you've talked about.

**Ms. Harada:** That's wonderful. If there's ever an opportunity for an open round table with the key stakeholders, I think that's the best way to go forward as well, once you get to, "What do these resources look like?" It's got to be good for everybody.

**Mr. Levac:** Ministry officials are here, and they're hearing this. I think that offer probably would be followed up with gratitude, so I appreciate that.

**Mr. Yakabuski:** Thank you for coming here this morning, Ms. Harada. My question was pretty much the same as Mr. Levac's: Can the bill, as written, address through regulation your concerns about access and those kinds of things? You've already answered that.

I can certainly concur that I've received a lot of communication with regards to this bill, but no negative com-

munication from anyone on the professional side of it. So while there may be some changes that need to be made and some work to be done, I think they're all supportive of it.

I think you touched on, very importantly, that you don't expect this to happen without the participation of the affected child and the families of those children. It's got to be a collaborative approach, so that we can ensure that those kinds of things are being covered and we're doing everything possible and every component is doing everything possible to ensure that lives are saved.

**Ms. Harada:** We appreciate that. Thank you.

**The Chair:** Thank you, Ms. Harada.

#### SARA SHANNON

**The Chair:** Our next delegation is Sara Shannon. Welcome. Before you speak, could you identify yourself and that you're speaking as an individual, not for an organization. You'll have 10 minutes.

**Ms. Sara Shannon:** My name is Sara Shannon. I'm the mother of Sabrina Shannon. I want to say thank you for having me here today.

I am here to tell you about Sabrina's story and why Bill 3 is so important. My Sabrina was diagnosed with life-threatening food allergies to dairy, soya and peanuts. At 10, she produced the national radio documentary *A Nutty Tale* for CBC. We have it here today. We're not sure if we can get it connected, but I highly recommend that you listen to it and see it. Her voice is very powerful. It has been used as a learning tool at CBC for anaphylaxis.

At 13, she was a young actress, writer and artist; a very intelligent, wonderful child of mine starting at a new school. Prior to that, she went to an elementary school and she ate her lunches at home. She was also funny, opinionated and caring. You'll see that in her documentary when you watch it on CBC.

1030

Sabrina died September 30 from a food-induced reaction. If it can happen to Sabrina, it can happen to anyone. It was a beautiful day when I dropped Sabrina off for school. The sun was shining. It was a blue, crisp, beautiful September day. I said goodbye to her. I said I loved her.

This was the second lunch she had purchased at school, ever. The first time she had lunch was the Friday before, and she had checked with the ingredients, and again she checked with the ingredients to make sure there was no dairy, soy or peanuts. Sabrina did her part. When I dropped her off and saw her run off to school, I still remember that day. I never knew I'd never see her come home again, never see her again as the healthy, happy child she was, with lots of potential. I promised Sabrina, while she was dying, on her deathbed, I'd do everything possible to prevent this tragedy from happening again to another family, or another child.

Since that fateful day, the coroner has called for sweeping changes. Bill 3 reflects the coroner's key



recommendations. Sabrina's story and Bill 3 have generated worldwide interest. Sabrina's documentary was rated with the BBC A World in your Ear as one of the best documentaries from the year 2003. CNN is coming to do a story on Sabrina on May 23, 24 and 25.

So I have heard from people from all over the world. Many are looking to our province for leadership. Safety cannot be optional. All schools need minimum safety standards. Bill 3 is an important step, appropriate action for a serious life-threatening condition. Bill 3 is proactive. Anaphylaxis is increasing. Bill 3 provides a framework, a systematic approach to provide minimum safety standards to all schools—not just one school; all schools. Maybe Bishop Smith today has made changes, but what about the school in Wawa or in small communities? We want to keep all schools safe, all kids in all the schools in Ontario safe.

Bill 3 addresses a high-risk group, which is the teens. Sabrina had just turned 13 and started a new high school: very high-risk. May I also say that Bill 3 is reasonable. It's easy to implement, and it's cost-effective.

I ask you to join with me in keeping my promise to Sabrina to protect other children. Please pass Bill 3 without delay. May I also mention why we are here today talking about Bill 3. Today, in the schools, there are kids at this moment who are at risk, who could possibly die because of anaphylaxis and not the right policies or Bill 3 is not in place. Hopefully, it will be passed so we can keep these kids safe.

I also want to state, if you notice in the picture of Sabrina, she had beautiful red hair, and she had beautiful hands, and beautiful blue eyes and a big heart.

**The Chair:** Thank you, Mrs. Shannon. You've left about a minute and a half for everybody to ask questions. Mr. Levac.

**Mr. Levac:** Thank you, Madam Chair. Thank you. You've said enough, thank you.

**Ms. Shannon:** OK, thank you.

**The Chair:** Mr. Yakabuski.

**Mr. Yakabuski:** Thank you very much for seeing us today, Sara. You and I have had the opportunity to communicate on a number of occasions. Sabrina was, as you are, a resident of my riding. The first time we talked, I was captivated by your story and Sabrina's story. I think the passage of this bill, while her life was far too short and tragic in its end, what she has done—and I was so impressed with her Web site and of the things that Sabrina had been involved in. But if we can pass this bill, it will serve to protect so many other students. Her death will not have been in vain.

**Ms. Shannon:** Thank you very much, Mr. Yakabuski. If you look at her drawing that I left with you, it says, "Help someone in need." Of course, that's Sabrina's message to people. Thank you very much for your support.

**Mr. Bisson:** I think you said it all, but I just have a question. You made the point that it has to apply to all kids. I think we're all in agreement.

To legislative counsel: Mr. Levac and I represent communities that happen to be on federal land, reserves for First Nations. Would this apply to the schools in First Nations? I'd like to know that and, if not, we should put an amendment in. I'm sure it's just a question of an oversight and that Mr. Levac would support that.

**The Chair:** Mr. Bisson, we don't have legislative counsel here until this afternoon. Can we reserve that question—

**Mr. Bisson:** I was asking the researcher.

**The Chair:** We can ask the researcher, but the legislative counsel won't be here until this afternoon.

**Mr. Bisson:** I just want to make sure it covers all schools. I think you raise a good point. It may cover reserves. I'm not sure if it does or it doesn't.

We should clarify that and, if not, we should propose an amendment.

**The Chair:** Thank you very much for appearing today. We really appreciate your presentation.

**Ms. Shannon:** Thank you very much for having me.

#### JULIAN D'SOUZA

**The Chair:** Our next delegation is Julian D'Souza. Welcome. If you could identify yourself and say your name loudly into the microphone for Hansard. When you begin, you'll have 10 minutes.

**Mr. Julian D'Souza:** Good morning. My name is Julian D'Souza, and I'm allergic to peanuts, tree nuts, shellfish, soy and legumes. I am 10 years old and am in grade 5 at Blessed Sacrament Catholic School in Toronto. I am here today to tell you why Bill 3 is so important.

I have a first-hand glance of a good policy in action. I'm very lucky because my school has a good policy in place to help keep children like me safe. There is a great understanding amongst my classmates and an excellent understanding with my teachers. My school decided to ask families not to bring in snacks with peanuts and nuts.

Even though the school says "No nuts," you can never truly rid the school of nuts. You would need a nut force field to stop the nuts from entering the school. In my school, students like me are expected to have an EpiPen with them. An EpiPen is an adrenalin needle. Because I'm allergic to many foods, I'm not allowed to share. Actually, I can give food to friends who do not have allergies but cannot take in return.

If there is anything I might be allergic to, someone will come up to me and say that there is a food that I should avoid. Usually, it's something with a "May contain nuts or peanuts" warning. Sometimes kids read the labels themselves and sometimes they ask me to read them. I say, "If you want, you can eat it here. Just do me a favour and wash your hands and mouth, or you can take it home and eat it." If my teacher thinks something might be a danger for me, they will ask the student to have their snack at home.

In the office, there is a neatly organized and updated bulletin board with posters of all the anaphylactic children. On curriculum night there is a five-minute pres-



entation on allergies, and the policy is sent home with all students at the beginning of each year. Teachers are trained twice a year on how to administer the EpiPen and recognize signs and symptoms of an allergic reaction. At the start of the year, I educate my class. Parents of allergic children speak directly to teachers, and ongoing reminders of “no nuts” are put in school newsletters when a bake sale comes around.

What are general guidelines for a good policy? All schools will not have the same policy as mine. Things might be different because of the allergies, whether or not there is a cafeteria, or the age of the children. To have a good policy, there should be a general understanding of the seriousness of anaphylaxis. It is important for other kids and teachers to understand how serious anaphylaxis can be. All teachers should know how to react in case of an allergic reaction. This means knowing how to use the EpiPen. This is important because they teach different classes and they take turns being on duty for lunch and recess.

Bill 3 is important because it will help ensure the safety of anaphylactic children. It will help by training the teachers and educating the children so that, in case of an allergic reaction, the teachers will know what to do and the children will know how to get help.

I hope you pass Bill 3. Thank you for your time.

**The Chair:** Thank you, Julian. You spoke well. You're probably the most succinct delegation I've had today. You've left lots of time for questions. And I like your idea of the nut force field. That's a good one.

Our first speaker is Mr. Yakabuski.

**Mr. Yakabuski:** Thank you very much for joining us, Julian. I think you and children like you are certainly worth protecting. So thank you for joining us today.

I have to be honest with you. I remember when our children started school. Our youngest is 13, and on the first day of school he was given instructions that he couldn't bring certain things to school for lunches and/or snacks because of the fact that there was an anaphylactic child in his class. I have to be honest with you: Our first reaction, my wife and I, was, “What's this all about? Why should our son not be able to take what he wants to school for lunch?” We had a chat with the teacher and also with the parents of the child, and we very quickly gained a good understanding of just how dangerous and acute the reactions could be. So it seemed to us then to be quite a small sacrifice to make under the circumstances.

1040

Certainly education is necessary. I think when people understand just how serious it is—when I was growing up, we didn't see this. I never remember going to school in my time where a person had acute allergic reactions to certain types of food. So it is new for a lot of people, but it certainly gives us all the opportunity to take a step back and see the world through other people's eyes and understand the dangers they live with. I appreciate your coming here today.

**Mr. Bisson:** I think you said it all. I've learned not to ask questions of somebody who's more succinct than me. That way you don't get into trouble.

**Mr. Brad Duguid (Scarborough Centre):** Julian, we just want to thank you for coming here today. You may well be the youngest deputant; certainly the youngest I've seen in my year and a half here. I want to tell you that all three political parties are looking forward to your getting a little older, and we'll all probably be recruiting you so that the next time you come here, you might be on this side of the table or that side of the table, depending on where you want to go.

I want to thank you for the leadership you're showing. Sending a message from one young person to another young person can sometimes be more effective than adults sending a message to young people. So the work you're doing is extremely important. Keep it up. We're very, very proud of you.

**The Chair:** Thank you, Julian. You did a great job.

**Mr. D'Souza:** Thank you.

**The Chair:** Mr. Orazietti, did you want to ask a question?

**Mr. David Orazietti (Sault Ste. Marie):** Thank you, Madam Chair. Thank you for being here today, Julian, and thank you for your presentation. Having spent 10 years as a teacher in the classroom, certainly it's been an issue that in recent years has had its awareness significantly elevated, and I want to commend Mr. Levac for his leadership on this bill. I think it's going to be a tremendous benefit in protecting students across Ontario.

I do have one clarification to add with respect to Mr. Bisson's comment with regard to federal reserves. That jurisdiction is not something we can amend the bill to apply to. I'll just leave with you the suggestion that when this bill passes, we make recommendations to our federal counterparts and strongly suggest that they implement similar legislation that would apply to First Nations residents and give them the same protection we're offering to students in Ontario who do not live on First Nations reserves.

It would be difficult to do that, and I understand we cannot make that amendment. It certainly is a good suggestion, and if you want to follow up with that, it would be good.

**The Chair:** Any further questions? Thank you, Julian.

## NIAGARA ANAPHYLAXIS SUPPORT AND KNOWLEDGE

**The Chair:** Our next delegation is Niagara Anaphylaxis Support and Knowledge.

**Ms. Cindy Paskey:** Good morning, I'm Cindy Paskey, and I'm the president of NASK, which is Niagara Anaphylaxis Support and Knowledge.

On behalf of the allergic community, I would like to say thank you for allowing me the opportunity to speak today. Also, thank you, Ontario, for taking a national and international leadership role in helping to create safer environments for children and youth at risk for the most severe allergic reactions: allergic reactions that can kill while they are at school.



I speak not only for my family but also for countless parents, grandparents, aunts, uncles, brothers, sisters and friends of children and youth who can suffer anaphylaxis, and I'm respectfully requesting the immediate passage of MPP Dave Levac's private member's bill, Bill 3. I also ask the Ontario government to ensure that this legislation is effectively conveyed to school boards, school administrators, teachers, staff, parents and students.

You've heard that resources are readily available. Anaphylaxis Canada, working with allergy specialists and other stakeholders, has developed medically sound and user-friendly materials.

Why is Bill 3 necessary? We've heard that anaphylaxis is increasing; it's not going away. The 40,000 students in Ontario that Laurie Harada mentioned translate into one student out of every 50.

When an allergic reaction occurs, there are no rules. Its progression and severity are unpredictable. Prompt emergency action—give the EpiPen, call 911—is necessary. Literally, seconds can save a life. There is no margin for error.

If you have witnessed an allergic reaction, you know its terror. When our son reacted to half a cashew at five years old, I intuitively knew something was dreadfully wrong. By the time his father got him to the hospital, he was unrecognizable: a ghastly mountain of unsightly welts. He was stripped naked but could not lie still because his itching was intensely painful. He cried and his breathing was rapid. He did not want me in the room, so I paced the emergency department hallways, praying, "Please Lord, not today. I'm not ready for my five-year-old son to die." Thankfully, he received the prompt emergency attention required. It took some time, but his allergic symptoms reversed and he was released hours later.

That experience changed our approach to daily life. Preventive safety became our family's number one rule, since the only way to stay safe is strict avoidance of your allergen. While safety considerations permeate everything we do, they don't restrict our activities. With the proper planning, our son travels, plays sports, attends camps and participates in church activities and school trips. He is a healthy, robust young teen with an unmistakable zest for life. His safety includes always being prepared for the unexpected, that being a reaction.

Research shows that people do not knowingly eat food to which they're allergic; rather, they believe the food is safe. When children are young, their safety in all matters is a shared responsibility. The adults around them must be watchful, helping children engage in safe activities and being prepared to respond to emergencies.

At the youngest age possible, parents begin teaching allergic children how to stay safe. It's such a huge responsibility for such little people, and it is ever-present, encompassing every single moment of every day.

As our children grow, parents guide them to become increasingly more responsible for their own safety. We are always mindful that there is no margin for error. Until you have lived it, you cannot know the dread that phy-

sically grips your heart as you send your young, trusting child off to school, knowing that contact with even the smallest amount of the wrong food or perhaps an insect sting could kill.

While in school, students' safety is influenced by the people around them. In the event of a reaction, a person can lose their wherewithal and not be able to self-administer the medication themselves. Therefore, the people around them must know what to do: Give the EpiPen, call 911. There is no margin for error. Seconds count.

As students enter their teens, they're moving towards independence. Teens want to fit in, not be different. Their brains are still developing, and genetically they're programmed to take risks. Hormones are raging. Imagine having to inquire about what your partner has eaten before you share that first tentative kiss. Many new challenges lie ahead.

Statistically, we know that teens are at high risk for allergic reactions. So even while they're in high school, students need adults and peers to be mindful and respectful of the dangers. Bill 3 and anaphylaxis management plans will facilitate this.

It is wonderful that, in Ontario, many school boards have an anaphylaxis policy. At the school level, however, practices vary. Parents depend on the understanding and co-operation of the principal, classroom teachers, school staff and others in the school community. In some parts of Ontario, but not all, public health provides EpiPen instruction. Often parents must teach the rest. From experience, I can vouch that this requires time, accurate information, the ability to communicate clearly and effectively and, most importantly, emotional fortitude even in the most understanding and helpful environment. As parents, we enter the discussion in the most vulnerable position possible: concerned about the possibility of the worst-case scenario, an in-school reaction.

#### 1050

Every year, I teach my son's classmates about allergies that can kill. In junior years, we read the book *No Nuts for Me*, followed by class discussion and answering many questions. In grade 5, classmates were invited, not required, to practise using an EpiPen trainer. In grade 6, my son gave an in-class demonstration with a real, expired EpiPen on a clear plastic bottle. This year, we watched the video *Friends Helping Friends: Make It Your Goal*, and in grades 7 and 8, a health class was held in the gym for all senior students. Again, EpiPen training was offered.

Our son enters grade 9 next year. I have already met with his high school principal and vice-principal to consider practical measures that will help keep him safe, measures such as teacher and staff training, ensuring the main office has an EpiPen and establishing a buddy system. I'm perfectly OK with the high school principal checking to make sure he's carrying his EpiPens with him and that he's wearing his MedicAlert. Our goal—it's the same goal as that of every parent—is for our children to enjoy a full, happy, healthy and satisfying youth in environments that are safe and inclusive.



Bill 3 is logical. It will provide a framework that helps facilitate meaningful discussion between parents and schools. This will greatly reduce the annual duplication of effort by parents and administrators throughout the province of Ontario. Its purpose, as I understand it, is to provide consistent standards among Ontario's schools, to address and consolidate existing legal requirements, to give educators and school staff clear direction about action to be taken in emergency situations and to define roles.

Anaphylaxis management plans will provide awareness, avoidance and action:

—awareness, so that we know the students at risk and what their allergens are, so that people are trained and so that we know how to respond in an emergency;

—avoidance through risk reduction. There are many simple measures that can be put in place, things such as hand-washing, no sharing of utensils or food, allergic students carrying EpiPens, enforcing the rule “no EpiPen, no food”—we live by that rule—removal of insect nests, backup EpiPens in school offices and even practising emergency drills similar to fire drills; and

—action: written plans to ensure a course of action is established and followed in an emergency.

Bill 3, quite simply, is forward thinking. It will serve to reduce liability through proper planning, training and due diligence. It will save lives through education and prevention. My hope and purpose today is to ask for the immediate passage of Bill 3 into law so that anaphylaxis management plans will be in place at all Ontario's schools.

On behalf of the entire allergy community, thank you to MPP Dave Levac—as he exits—for your tireless work in advocating on our behalf. I'm sorry he's not here to hear me. I've said it to him many times, and I always will: He is one of my heroes. Thank you also to the entire Ontario Legislative Assembly. Bill 3 has transcended party politics. This matter remains non-partisan, as it should. It's truly a demonstration that the safety and well-being of Ontario's children is your priority.

**The Chair:** Thank you, Ms. Paskey. You've exhausted your time here. There won't be an opportunity for questions. We appreciate you being here today.

#### TORONTO ANAPHYLAXIS EDUCATION GROUP

**The Chair:** Our next delegation is the Toronto Anaphylaxis Education Group. Welcome, Mr. Brown. If you could identify yourself and the group that you speak for prior to speaking. When you do begin, you'll have 10 minutes.

**Mr. Tad Brown:** Thank you all for the opportunity to appear before you today and to participate in this consultation process. My name's Tad Brown. I live here in Toronto. I'm a lawyer; I work across the street at the University of Toronto, but I'm here today as the parent of two young children with severe, life-threatening allergies to nuts and peanuts, and also as chair of an organization

called the Toronto Anaphylaxis Education Group, which represents families across the greater Toronto area who also have children with severe allergies.

First off, I also want to reiterate everyone else's thanks, in particular to Dave Levac, and to everyone for the leadership and vision in terms of taking Bill 3 to where it is. In my brief time—there have been a number of excellent presentations that preceded me—I don't want to reiterate what's been said already. You heard about the background on it, the medical and some personal stories. What I'd like to focus on today in my brief time is just to let you know the challenges of individual parents in the schools in terms of trying to put these kinds of effective practices in place, which is why Bill 3 is so important for us.

First, let me just speak as a parent. I have two children: a girl, Brigit, who is six, and a son, Garrett, who is four. We learned that they had severe allergies when they were both under the age of one, so we've been living with this for some time. As you've heard from others today, our daily activity is ensuring, as all parents do, that the children's lives are as safe and as free from harm as possible. That requires us to put in management emergency plans, as you heard in Bill 3, everywhere they go, making sure that people in whose care and control they are, are aware of their allergies, how to recognize them, how to administer an EpiPen and what their emergency plan will be.

We've actually been able to manage that fairly well as they grew up and were toddlers. That was with family and friends, when they go to play dates and birthday parties. Both of my children have been in daycare centres, in preschools and have gone to day camps. All of those facilities had extensive training of their staff and had written policies in place dealing with how to deal with allergies.

Our big wake-up call came when our eldest daughter entered the public school system two years ago, into kindergarten. We entered into a school here in north Toronto. We came to realize that there was no policy in the school, that most teachers had no awareness of how to recognize anaphylactic reactions, most teachers had no training in how to administer an EpiPen and there was no clear plan on how to deal with anaphylactic reaction.

The result for us is that nowhere that our children go are they more at risk than in their public school, and nowhere do they spend more time outside of our home than in their public school. Obviously, education is a necessity and we need to educate our children. However, in no other circumstance would we ever allow our children out of our control for three to six hours in a day and into the care of adults who are not properly equipped to deal with an anaphylactic situation and, in fact, an environment where they are surrounded by potential allergens.

So, as you've heard from others, where we were left—we did our investigation. We were fortunate the Toronto District School Board actually does have a policy on allergies and how to deal with these situations. As we



learned, though, that doesn't actually translate into tangible policies at the school level. We went to meet with the original principal who was there. He saw no reason to implement a policy within our school and refused to put anything down in terms of written guidelines or even communications on a school-wide basis on the issue. This was in spite of the fact that within our school, to our knowledge, there were 13 children who had anaphylactic allergies to nuts alone, two in my daughter's class.

We were fortunate that we had a very supportive kindergarten teacher and we were able to make her class safe by dealing with the teacher alone, through extensive education on our part of the teacher and of the parents, who were very supportive in terms of making that little bubble a safe place for them. But even there, you can't always protect them and expect all the contingencies. Only one example was one day my wife came in and happened to be volunteering that day. That was the day a supply teacher was there. She came into the classroom—it was Halloween time—and the supply teacher was making up a witch's brew of Halloween treats full of allergens that were potentially deadly to our child. If my wife hadn't been there that day—it was just a lucky fluke that she walked in.

The flipside is that we have a new principal this year. Once again, we start from scratch, educate on the process. We're very fortunate that our new principal is extremely supportive and understanding, is working with us and has asked for our support in terms of writing policies, has sent out communications, has allowed my wife to come in regularly to give EpiPen training to all the teachers in the school and has looked to us for leadership. Although we are well educated on this, we are not professionals. We do our best to try and put these practices in place.

I think the crux of my story is that the safety of thousands of kids in Ontario shouldn't depend on the advocacy skills of individual parents and their personal and unprofessional knowledge of how best to put a plan in place, nor should it depend on the particular receptivity and personal views of an individual principal, which has been our case. And our personal situation is not unique; in fact, it is the norm.

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As I said, I'm chair of an organization called the Toronto Anaphylaxis Education Group, which represents families across Toronto. We bring in experts on the issues. The goal is to educate families about how best to deal with these issues. We have allergists and doctors and the like who come in. However, the number one issue of importance for families is safety in our schools. What we spend a lot of our time on is educating other parents on how to effectively advocate within their school to set up proper policies. This is not the best way to ensure safety on it.

Again, Bill 3 accomplishes all our goals, not only from the parents' perspective but from the teachers' perspective as well. As you have witnessed today, it is a very emotional issue, and it is very hard to come in

calmly and rationally and advocate for your child's safety and potential life on an individual basis. Bill 3 will accomplish all of these goals and will do what's most important, which is to keep our children safe.

In closing, I just want to thank all of you, and Dave Levac in particular, for your vision and leadership on this. Please pass Bill 3. I'm happy to welcome any questions on it. Thank you for your time.

**The Chair:** Thank you. You've left just over three minutes for each party, beginning with Mr. Bisson.

**Mr. Bisson:** Just a general comment more than a question. The bill is certainly something that we, as New Democrats, support and want to see quick passage of.

One of the things that I think we need to keep in mind is that, after the bill is passed we, as parents and extended family, still have a responsibility. Sometimes thinking that there is now a plan in place in the schools is going to lower our guard. You spoke to that, and I think that's something that maybe once the bill is passed we need to keep reminding people of through the public education process, to make sure that people don't just rely on the plans in the schools as a way to deal with the issue. I think you spoke to that.

Just generally to Mr. Oraziotti in regard to his comments that the legislation can't extend to the reserves on federal land, I guess my general comment is that at some point in this province we're going to have to get a hold of this issue, because far too often First Nations are left far behind on what is no-brainer legislation like this where we can protect kids who happen to be living on reserves. I know this is not the fault of the government; it's something that we need to negotiate with the federal government so that when we do pass laws in the province of Ontario there are some mechanisms to make sure that people who live on reserves can benefit from these laws.

I'll just give you a very quick example. Last week I went to Kashechewan with Minister Monte Kwinter. Eight years on boil-water advisories in Kashechewan: That's what those kids and families have to live with. In any other community it wouldn't happen. I just get frustrated when I see, yet again, First Nations fall behind because of the federal government, quite frankly, not thinking about how to deal with this issue. So maybe it's something we can work on together.

**Mr. Brown:** If I could just respond on the first point: Absolutely, I think that all parents acknowledge that this is a shared responsibility. I think that you will find no more dedicated group of individuals who are going to be continuing to advocate and help to work with their school boards and teachers and principals in terms of developing effective plans on it. The goal here is that we can assist and help develop it but that we don't have to lead and actually implement policies on a school-by-school basis.

**Mr. Kim Craitor (Niagara Falls):** Thank you, Tad, for appearing here and making your presentation. Just a couple of comments. I was listening to you and you said that sometimes—I'm not sure if I'm using the right phrase—but "emotional, a little irrational." I tell you, when it comes to the safety of kids, there's nothing wrong with that.



Also, it's hard for me to fathom—I think it really hit me when you said, “Imagine sending your kids off to school and being worried all day.” I certainly learned a lot over this process, but it's hard for me to imagine that every day you get up, you send your kids off to school, and for those six hours that's constantly on your mind: What's going to happen?

I just wanted to share with you that it is exciting for me as a new member to sit in a room like this on occasion and have your colleagues from all three parties feeling that way. I think what it does show is that the Legislature truly cares. We have different political views, but when it comes to issues like this, there is always a feeling of support.

As this bill gets through—and it will get passed; I'm confident of it—we'll be using people like yourself as the resources to help deliver the program in the school. There's no better resource to assist the teachers when it comes time to help deliver it. You're the ones whom we're going to be using for it, because you live and breathe it every single day. I just simply want to say thank you very much for that.

**Mr. Brown:** Thank you for your comments and support.

**Mr. Yakabuski:** Thank you very much, Tad, for your very emotional and powerful presentation. Clearly, you are a strong advocate, not only for your children but for anybody's children who suffer from anaphylaxis.

As parents, we all worry about our children when they leave the house, because we don't control the world. But parents of anaphylactic children, of course, have one more very significant and serious thing to worry about that the rest of us don't. We certainly appreciate that, and I think you've been doing tremendous work to spread that message, as has your organization. I certainly got the message.

I understood from you that your work will not stop, regardless of what policies are in place, because policies are only as good as the implementation. I'm sure you and your group will be there front and centre, making sure that these policies are working and that they're being followed. Everything has to be monitored, because no system is perfect, and we have to ensure that everything is going as it should.

We certainly support what you're doing. We appreciate the work that you people have done to highlight these issues. Without people like yourself, Sara Shannon and Sabrina, we may not be doing these things today, because we may not understand them well enough. We appreciate that.

**The Chair:** Thank you, Mr. Brown.

Our next delegation is Anaphylaxis Management and Crisis Intervention—Patey Enterprises. Are they here? They have yet to be confirmed. Would Angela Patey be here? OK, we'll move on to our next delegation.

#### DEBBIE MONROE-FESSLER

**The Chair:** Is Debbie Monroe-Fessler here? Come forward, please. Good morning, and welcome. After

you've identified yourself for Hansard, you'll have 10 minutes.

**Ms. Debbie Monroe-Fessler:** I would just like to say that the opportunity to be here today—

**The Chair:** Could you identify yourself? Could you say your name?

**Ms. Monroe-Fessler:** Oh, I'm sorry.

**The Chair:** That's OK. When you begin, I'll start timing you.

**Ms. Monroe-Fessler:** My name is Debbie Monroe-Fessler. I'm coming here from Niagara Falls with some other people. I am here today to, I guess, enlighten everyone to work together. I'm so grateful that I've had the opportunity to hear everyone else speak. Part of what I was going to say has been said. I don't want to repeat anything. Luckily for me, I can have this opportunity. I've been living with it, in my family, for over 10 years. I have a child who is anaphylactic.

I'm here really, though, to talk about how we can move forward, how we can all work together. It's exactly like Larry and some of the other parents say: It's the children.

One of the things that hasn't been discussed is the children who are friends, siblings, teammates, players or the other kids who are in the schools. Right now, they really are our curve to the future. I'll talk about that in a little bit.

I think what's in front of us right now is an opportunity that we can all take together. We can all work together, work the resources that we do have. In the past, things have happened, and we can't change those. But through prevention, education and communication—I think the communication is just as important as the education, because people need to know things and how to implement them.

Because my family has been living with anaphylaxis, one of my roles is really to listen to other people. We have groups of parents, and I've spent a lot of time really listening to what they had to say and then working along with them. Part of all that, again, is the communication.

One of the things we've always talked about is that knowledge saves lives. If we don't have the knowledge, we can't save lives. Part of that knowledge could be very small things in the school settings: kids washing their hands, young children washing their hands, the other kids knowing that the kids have a medical alert.

One of the things that has come up that we haven't spoken about is the well-being of the children who are anaphylactic and all the people who are around them. Because you know what? They like to learn, they like to laugh and they want to play.

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Kids are our future. The fact that these kids who are anaphylactic can feel comfortable in their settings—they will share with other kids. They will have the chance to learn as much as them. One day, they will be out.

I want to mention my son, who is actually 11. I have another son who is six. They both wanted to be here today, and they would have been here, but it's kind of a



long drive for them. Actually, my 11-year-old, much like Laurie's son, did speak in front of the region, which was 31 people. His message, along with my six-year-old, who actually spoke at city council in Niagara Falls—and I promised him I would tell them that—was that, in Bill 3, what's really most important is for people to know where the EpiPen is, how to use the EpiPen and when to use the EpiPen. All these other things are important, but those are the three things that are really part of our key to put everything all together.

I guess the next thing is that all parents, when we have our children, we know that part of our lives is working together. Nothing is ever easy. When you have a child and, say, perhaps something is going to be a challenge in your life, it could be lots of other things that are out there, because we're not just always focusing on anaphylaxis.

The difference between some of the challenges that we have with our children is that, right now, we have an opportunity to make a difference for the anaphylactic children, because there are community groups and partners who would like to help and come on board. From the Niagara region, we have more phone calls from people coming in, wanting to know what to do and how they can help. Our members can get out and speak to everybody. So that says a lot right there.

I do want to quickly mention, of course, that Kim is from Niagara himself, and all of you here, the colleagues, have made our day, because, yes, we do live with it every day when they're gone. Part of the community environment for the kids who are anaphylactic—being part of the bill, knowing when to use the EpiPen, perhaps having emergency drills a couple of times a year. Those children who learn about anaphylaxis are learning how to deal quickly with situations that they may have to respond to. The fact that they're learning about anaphylaxis does help them with emergency calls for a lot of other things that may happen in the school setting.

We're kind of looking a little bit outside the box with identifying a lot of other kids, that kids will feel fine. From talking with other parents and my own experience, kids who are teaching kids are teaching others. It sort of has a rippling effect, because these kids, like I said earlier, want to learn, laugh, play, be part of—my son is involved in hockey. He is involved in other sports. He plays the guitar. But you know what? All that took time for him to be independent.

A lot of parents of anaphylactic kids—and you can speak with them—have changed their career roles. We've had to change our career roles. My son has more than peanuts; he has eggs, milk, all dairy products, and we're always forever checking recipes. I know this isn't part of the bill, but it's part of our lifestyle. So if one part of our lifestyle is six hours that the kids are going to be at school, or five or eight or whatever, if that part plays a role, a lot of us can be more productive in our community, maybe to volunteer for other groups or have some career skills that we'd like to implement. So one day, when we leave them to go or even when they have

to come home on the bus and something happens, the end of the day is just as important as the beginning of the day, because they're going back on the bus. We'd like to know that when they come home, they're saying, "Yeah, I had a great day," because the rest of our evening, our lives, are things that we want to be part of in our community.

Passing the bill or working on ways to get the bill through—we could create an environment to have a lot more things happen in our area.

Information in our school setting: Like I said—I did repeat it—it does have a rippling effect. I think you will find, after today, there are a lot of parents and community support organizations that would be glad to share their ideas so we can have a sunrise of looking to the future in a positive way.

I guess what I really have to say is thank you again, and we can make a difference if we educate, if we communicate, if we share ideas. This is a positive approach. Right now, there are so many different allergens that you spoke about. We can't say that we cannot have this specific allergen in the school. Our kids do not want to live in a bubble. They are very independent in so many different ways. I think we can all learn from each other. I'm proud to be Canadian; I'm glad to live in Ontario. Maybe something interesting is going to happen. Thank you.

**The Chair:** Thank you. You've left about 30 seconds for each party, beginning with Mr. Craiton.

**Mr. Craiton:** Just quickly, it's my opportunity to officially say in Hansard that I remember like it was yesterday when David stood up in the House—I'm a new MPP—and he read in private member's Bill 3. That was probably one of the first bills read in. I remember sitting and listening to him, because David is right in front of me and you can't miss him; he's six foot six, I think. To be honest with you, I really did not know what the bill meant. That's the truth.

You're here and Cindy from NASK is here. You have constantly, and rightfully so, been into my office on a regular basis. You've had the children in, you've orchestrated events at my office. You've educated me to understand how significant this is. You've educated our community. You were at city council and you had events that were covered by the newspaper. Many people in my community, I will tell you, while I was out visiting at coffee shops, at hockey games, would come up and talk to me about it. They didn't even know it existed. So you've accomplished an awful lot and so have all the people across Ontario who are involved with these organizations.

Finally, I think it's very significant. I don't know if it's normal practice, but for the year and three months I've been here it's the first time I have seen a bill that's in committee being held in the morning for public hearings, and then in the afternoon, it's going to clause-by-clause. I think that tells you how significant this bill is. That's the first time I've seen that happen all in one day.

So just quickly, thank you and Cindy and NASK for all the help you've given me to educate me and our



community. And to everyone around the room and to all the members, I'm totally confident this is going to go forward. I've used more than 30 seconds, so thank you for your indulgence.

**The Chair:** Yes, you did.

**Mr. Yakabuski:** And in the interests of time, because Kim used up mine, as well, thank you very much for your presentation. We very much appreciate it. If you can educate Kim, you can educate anybody.

**Ms. Andrea Horwath (Hamilton East):** I don't have any questions. I was watching the earlier proceedings in my office. I give a lot of respect to the parents and the advocates who came out to support Dave in this bill. I think it's well-needed. My son goes to school with a number of children who have this particular issue and I just think we can work together to make this happen and it'll be for the betterment of our schools and our children.

**The Chair:** Thank you for being here.

I'm going to call one more time, is Angela Patey here? No, OK.

#### ROLAND SEEHAGEL

**The Chair:** Our last delegation this morning is Michele Lafantaisie. I've got another name. I gather she can't be here. We have Roland Seehagel.

**Mr. Roland Seehagel:** Thank you. It's an honour to be here. My name is Roland Seehagel. I am more or less filling in for Michele, who could not be here today. I have before me not my script but hers, which I will not attempt to read. We attempted reading it in the car and at 10 minutes we quit and were about halfway through. I only received it on Monday and had no opportunity to review it further with Cindy, being in Ottawa the last few days.

**The Chair:** Mr. Seehagel, we're a little ahead of schedule, so if you go over by a minute or two—I'll give you a warning when you're getting close, but please do the delegation as you see fit.

**Mr. Seehagel:** Thank you for the warning. I do promise you that I will be more succinct than our friend Julian. I will not attempt to compress this 20-minute document into 10. I am here to merely summarize what I've heard to date, and also what I have been involved with for approximately the last two years.

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I am an employee of Brock University in St. Catharines—26 years. I am proud to be there. Also, as a volunteer, I act as Cindy Paskey's assistant. I was present in the visitors' gallery on December 4, 2003, when the bill received second reading and unanimous support.

I am very honoured, as I said at the beginning, to be here today. If I could attempt to compress everything over the last two years, what I've heard today, the experiences of so many people, not of my own—I'm a single guy. I don't have any allergies. No one in our family has allergies. One of the most often asked questions I've had to answer is, "Why are you involved? Why

do you care?" In four words I'd like to sum it up: Because life is precious. Thank you.

**The Chair:** Maybe you can answer some questions. You were almost as succinct as Julian, but not quite.

**Mr. Seehagel:** Thank you.

**The Chair:** You've left about two and a half minutes for each party to ask you questions or make comments on your delegation, if you wish to answer. My first questioner will be Mr. Yakabuski.

**Mr. Yakabuski:** You already answered the question: Because life is precious. But I want to commend you for your involvement, not being directly connected to someone who suffers from anaphylaxis as a parent and/or a relative, an uncle-type thing, like that, because clearly the strongest advocates are going to be those who are affected directly. As someone who has taken an interest in a very significant and serious issue, I commend you for that.

**Mr. Seehagel:** Thank you.

**Ms. Horwath:** It's interesting that you referred to Julian's speech. Julian actually has the same name as my son, Julian. At first, when he came home, when he was in kindergarten as a matter of fact, with a note from the school saying there is a peanut allergy and we couldn't provide any snacks or foods or anything with any traces of nuts in it—I have one child, so that was my initial introduction to anaphylaxis. I really didn't know very much about it. As he went through school, of course the same peer group of children went with him, and the entire school is peanut-free. I've realized through hearing what these families are saying, and understanding your position in terms of being an advocate on this issue, that it's not a matter of one type of allergy or another. I think that's what this bill is meaning to do, to say it's not about peanuts or it's not about shellfish; it's about this situation that by definition can be addressed if we're all taking responsibility for it.

I want to thank you, as someone who isn't necessarily personally involved with an individual or a family, but recognizes it's the community's responsibility. I think that Mr. Levac, in bringing this bill forward, was trying to indicate that as well: that together our school boards, our teachers, our children and our communities can make sure our children are safe. So I want to say thank you for coming forward.

**Mr. Seehagel:** Thank you for your kind comments. To that I might add that it's a great honour to be here today, as I sense that we are being listened to, that it's not going over people's heads or through their ears.

**Mr. Craitor:** Roland, I met you on the way in, but I didn't realize your significance until you mentioned Brock University. Let me just say that I know you had sent a letter to me and I'm sure to some of the other members, and it was on Brock University letterhead.

**Mr. Seehagel:** Yes.

**Mr. Craitor:** I'm going to put it into the record. I know they sent me a letter from Brock and said—whatever they said, it wasn't appropriate. I was not happy with that. I will also tell you, and David can speak for



himself, but I know he wrote something back to say that you're passionate and that maybe it wasn't the right thing to use their letterhead, so be it. I'll also tell you that I think I called two or three times to try to reach you, just to thank you for doing that. I now have the opportunity to say it in person. I read your letter and it was very passionate. When I first read it, I thought you had a child. That was my first reaction. That's how passionate the letter was. I didn't realize you didn't have anyone in your family who was—

**Mr. Seehagel:** They're all my children.

**Mr. Craitor:** Yes, a nice way to say it. I'll close with that. Thank you.

**The Chair:** Mr. Levac, you get to do cleanup.

**Mr. Levac:** Thank you very much, Madam Chair. Thank you for your patience with some of these deputants. I appreciate that very much, and I know they do.

To the committee members, to the staff, thank you so much for the behind-the-scenes work.

To the members of the opposition in both parties, thank you for your kind words and your support. I know some of you have specifically taken this task on and I appreciate that deeply.

Thank you, Roland. I appreciate your passion as well.

To each of the deputants, thank you for the time you've spent on seeing some light at the end of the tunnel.

I just want everybody to know, and make sure it's clear, that this bill is in its fourth edition. This isn't the first time it's been introduced. I introduced the bill in 2001. They say that in private members' business you have to be persistent. This is an example of that.

There are two things I'd like to point out about the reason I'm very optimistic that this is going to see the light of day: (1) we unanimous consent on both first and second reading; (2) all the deputants have spoken in favour of the bill in one form or another. They've offered us solutions and suggestions for improvement in typing it up.

The ministry has been very helpful and I appreciate that deeply. I also would be remiss if I didn't say thank you to my own staff, who have been working very hard behind the scenes on making sure we hear the voice of the people.

This is about kids. This is about kids' safety. This is about life and death. It is absolutely a joy to see this place work, inside the House and outside of the House, on these rare occasions. It's happened a few times in my career so far, and it's probably the most rewarding part. When we can all work together to make law—sometimes we, the people sitting at these desks, forget that—and it affects people's health, it affects their lives, it's a good thing. So I deeply apologize for my earlier loss of composure. But when Ms. Shannon presented, I put my own kid—that's what you do—in that position and you realize how sacred this is.

Thank you so much.

**The Chair:** Mr. Seehagel, we appreciate your being here.

I'd like to thank all the witnesses, the members of the committee and ministry staff for their participation in the hearings.

I'd like to remind all members that amendments to Bill 3 should be filed with the clerk at 12 noon today, which gives you 35 minutes.

This committee stands recessed until 3:30 this afternoon in committee room 151 for the purpose of clause-by-clause consideration of Bill 3.

*The committee recessed from 1128 to 1601.*

**The Chair:** I call this meeting to order. We meet this afternoon for the purpose of clause-by-clause consideration of Bill 3. We'll now commence clause-by-clause consideration of the bill.

Are there any questions or comments on section 1 of the bill?

**Mr. Levac:** I move that section 1 of the bill be struck out and the following substituted:

"Definitions

"1(1) In this act,

"anaphylaxis" means a severe systemic allergic reaction which can be fatal, resulting in circulatory collapse or shock, and 'anaphylactic' has a corresponding meaning; ('anaphylaxie')

"board" means a district school board or a school authority; ('conseil', 'conseil scolaire')

"consent" means consent given by an individual with the capacity to provide consent to treatment for the purposes of the Health Care Consent Act, 1996;

"employee" means an employee of a board who regularly works at the school, in the case of a school operated by the board.

"Expressions related to education

"(2) Expressions in this act related to education have the same meaning as in the Education Act, unless the context requires otherwise."

**The Chair:** Any discussion? All those in favour?

**Mr. Peter Kormos (Niagara Centre):** Carried.

**The Chair:** All those opposed?

**Mr. Kormos:** Carried.

**The Chair:** Mr. Kormos, please, let me go through this step by step; OK?

**Mr. Kormos:** Shall the section carry? Shall the amendment carry? Carried.

**The Chair:** Mr. Kormos, would you like to chair the meeting?

**Mr. Kormos:** If you want me to.

**The Chair:** No, not really, but I would prefer that you let me do the meeting, please.

Shall section 1, as amended, carry? All those in favour? All those opposed? That's carried.

Section 2, Mr. Levac.

**Mr. Levac:** I move that subsection 2(1) of the bill be struck out and the following substituted:

"Establishment of policy

"2(1) Every board shall establish and maintain an anaphylactic policy in accordance with this section."

**The Chair:** Any comments or discussion? All those in favour? All those opposed? That's carried.



Page 3, Mr. Levac.

**Mr. Levac:** I move that subsection 2(2) of the bill be struck out and the following substituted:

“Contents of anaphylactic policy

“(2) The anaphylactic policy shall include the following:

“1. Strategies that reduce the risk of exposure to anaphylactic causative agents in classrooms and common school areas.

“2. A communication plan for the dissemination of information on life-threatening allergies to parents, pupils and employees.

“3. Regular training on dealing with life-threatening allergies for all employees and others who are in direct contact with pupils on a regular basis.

“4. A requirement that every school principal develop an individual plan for each pupil who has an anaphylactic allergy.

“5. A requirement that every school principal ensure that, upon registration, parents, guardians and pupils shall be asked to supply information on life-threatening allergies.

“6. A requirement that every school principal maintain a file for each anaphylactic pupil of current treatment and other information, including a copy of any prescriptions and instructions from the pupil’s physician or nurse and a current emergency contact list.”

So moved.

**The Chair:** Any comments or questions? All those in favour? All those opposed? That’s carried.

**Mr. Levac:** Next page, Madam Chair.

I move that section 2 of the bill be amended by adding the following subsection:

“Contents of individual plan

“(3) An individual plan for a pupil with an anaphylactic allergy shall be consistent with the board’s policy and shall include:

“1. Details informing employees and others who are in direct contact with the pupil on a regular basis of the type of allergy, monitoring and avoidance strategies and appropriate treatment.

“2. A readily accessible emergency procedure for the pupil, including emergency contact information.

“3. Storage for epinephrine auto-injectors, where necessary.”

So moved.

**The Chair:** Any comments or questions? All those in favour? All those opposed? That’s carried.

Shall section 2, as amended, carry? All those in favour?

**Mr. Kormos:** Debate?

**The Chair:** Would you like to debate that, Mr. Kormos?

**Mr. Kormos:** No, thank you.

**Mr. Jerry J. Ouellette (Oshawa):** I would like to. Just a question, more directly to Mr. Levac. There are a number of areas in here that you’ve mentioned and brought forward that we’re supportive of. The financing for those areas: How will the finances play out to train those individuals and those things? Is it from the school

board, from education, or how is it to play, and is there a commitment for financing in the bill?

**Mr. Levac:** As you know, a private member’s bill can’t make a commitment to finances, but I have been assured that ministry staff are presently working with those who have offered from an outside agency to prepare and provide some assistance in doing so. Where costs can be reduced, they’re going to be done so by that particular process. So we’re hoping that a minimal amount of cost will be involved in this particular process.

**Mr. Kormos:** Having said that—and Mr. Levac knows I’m a fan of this bill—a private member’s bill cannot impose a tax, but inevitably with private members’ bills, there are costs associated with it that are perfectly acceptable and in no way make the bill out of order. If the bill creates responsibilities on the part of the government, the government has to meet those responsibilities.

**Mr. Levac:** In response to that, I accept that, and would suggest to you that in my conversation with ministry officials, they’ve made it known to me that they are going to work diligently to avoid those costs and, if not, they would work toward finding the solution on how to provide that training.

**The Chair:** Any further discussion? Shall section 2, as amended, carry? All those in favour? All those opposed? That’s carried.

Section 3: Mr. Levac, page 5.

**Mr. Levac:** I move that subsection 3(1) of the bill be struck out and the following substituted:

“Administration of medication

“3(1) Employees may be preauthorized to administer medication or supervise a pupil while he or she takes medication in response to an anaphylactic reaction, if the school has up-to-date treatment information and the consent of the parent, guardian or pupil, as applicable.

“Obligation to keep school informed

“(1.1) It is the obligation of the pupil’s parent or guardian and the pupil to ensure that the information in the pupil’s file is kept up to date with the medication that the pupil is taking.”

**The Chair:** Comments or questions? Seeing none, shall this amendment carry? All those opposed? That’s carried.

Page 6, Mr. Levac.

**Mr. Levac:** I move that subsection 3(2) of the bill be struck out and the following substituted:

“Emergency administration of medication

“(2) If an employee has reason to believe that a pupil is experiencing an anaphylactic reaction, the employee may administer an epinephrine auto-injector or other medication prescribed to the pupil for the treatment of an anaphylactic reaction, even if there is no preauthorization to do so under subsection (1).”

**The Chair:** Comments or questions? Seeing none, shall the motion carry? All those in favour? All those opposed? That’s carried.

Page 7, Mr. Levac.

**Mr. Levac:** I move that subsection 3(3) of the bill be struck out and the following substituted:



“Immunity

“(3) No action for damages shall be instituted respecting any act done in good faith or for any neglect or default in good faith in response to an anaphylactic reaction in accordance with this act, unless the damages are the result of an employee’s gross negligence.

“Common law preserved

“(4) This section does not affect or in any way interfere with the duties any person may have under common law.”

**The Chair:** Comments or questions? Seeing none, shall the amendment carry? All those in favour? All those opposed? That’s carried.

Any other comments or questions on section 3 of the bill? Seeing none, shall section 3, as amended, carry? All those in favour? All those opposed? That’s carried.

Mr. Levac, section 4.

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**Mr. Levac:** I move that section 4 of the bill be struck out and the following substituted:

“Commencement

“4. This act comes into force on January 1, 2006.”

**The Chair:** Comments or questions? Seeing none, shall the amendment carry? All those in favour? Opposed? That’s carried.

Shall section 4, as amended, carry? All those in favour? All those opposed? That’s carried.

Section 5.

**Mr. Levac:** I move that section 5 of the bill be struck out and the following substituted:

“Short title

“5. The short title of this act is Sabrina’s Law, 2005.”

**The Chair:** Comments or discussion?

**Mr. Kormos:** Perhaps Mr. Levac could elaborate on this.

**Mr. Levac:** Yes, Mr. Kormos. Two things took place in a short period of time. First, in meeting Mrs. Shannon, I requested permission to honour her daughter by calling it Sabrina’s Law and received permission from her. I indicated to other members that I was going to do this and received a green light to do so.

Second, there were three different options presented to me for us to make sure that anaphylaxis could be found easily in an Internet search, or how to find something about protecting anaphylactic students, and Sabrina’s Law might be a difficult match. So my understanding is that because the long title of the bill contains “anaphylactic,” it might be easier to find. There are precedents set to do these types of notations in law. This would be for the purposes of honouring Sabrina.

**Mr. Kormos:** I want to speak to this very briefly. Mr. Levac has told me about his very intimate and sad request to use Sabrina’s name as a title for the bill, but he has also spoken to me many times about the incredible inspiration he has received from this tragic loss of a young life. I’ve been with him watching him pursue this legislation for a long, long time now. So Sabrina, no doubt, kept Dave Levac on track, kept him persevering, kept him committed and kept him tenacious about this

bill being passed. I’m pleased to support this particular amendment and to congratulate Dave Levac, but also thank Sabrina’s mother for the permission she has granted to have her daughter’s memory acknowledged in, I put to you, a very formidable and permanent way.

**The Chair:** Any further discussion? Seeing none, shall the motion carry? All those in favour? All those opposed? That’s carried.

Shall section 5, as amended, carry? All those in favour? All those opposed? That’s carried.

We’re at the title portion. Mr. Levac, did you want to speak to that?

**Mr. Levac:** Yes, Madam Chair. I’d like to move this amendment and make a short comment.

I move that the long title of the bill be struck out and the following substituted:

“An Act to protect anaphylactic pupils.”

There was some legalese to match it with the Education Act, and “pupils” was substituted for the word “students.”

**The Chair:** Any comments or discussion?

**Mr. Levac:** I’m not done yet.

**Mr. Kormos:** I was just going to ask, why “pupils” versus “students”?

**Mr. Levac:** My understanding is that it’s to match the Education Act.

**Mr. Kormos:** So you give this one to the bureaucrats.

**Mr. Levac:** Yes.

**The Chair:** Mr. Levac, do you have anything more to add?

**Mr. Levac:** I think we should take the vote. I think that’s what we’ll do.

**The Chair:** It sounded like there was a debate going on.

**Mr. Levac:** Oh, no. We’re finished.

**The Chair:** Any further discussion on the long title? Seeing none, all those in favour? All those opposed? It’s carried.

Shall the long title of the bill, as amended, carry? All those in favour? That’s carried.

Shall Bill 3, as amended, carry?

**Mr. Kormos:** Madam Chair, this is the only point at which I will comment on this. I’m anxious to get this bill passed through this committee before anybody anywhere changes their mind.

I want to commend Mr. Levac for bringing this bill forward. Others may not have been as unfamiliar with this phenomenon as I was, but I was only vaguely familiar with it until Dave Levac brought this bill to the House. Mind you, I had families down in Niagara quickly address me and make sure I was increasingly familiar with it and the details of how it impacted on them and their kids’ day-to-day lives.

I once again want to commend Mr. Levac for his perseverance. It’s been a long road. I’m sure it’s been discouraging at times. I also want to thank the people from across the province, and especially those down where I come from, for staying on top of me and making sure I was not only supportive of the bill—and I am, with



great pleasure—but that all of us did everything we could to make sure this bill was given appropriate birth. And here we are, just at the cusp of this baby breathing its first breath.

I'm proud to support it. I'm grateful to the families with anaphylactic kids down where I come from who have been so valuable to me in terms of making me informed. Once again, I congratulate Dave Levac as a government caucus member with a bit of private members' public business, hopefully—I anticipate and am sure—making a great deal of difference to a whole lot of kids and their families.

**Mr. Yakabuski:** I too want to congratulate Dave Levac. It's been a pleasure and a privilege for me to work with him on this particular subject. I think I speak for our caucus when I say we've been very supportive of this particular bill.

I want to say to Sara that it's been quite an experience to work with you as well and to learn from you. In the final analysis, Sabrina, though gone, will live on through others and the effects this bill will have, not only by the short title, but on the lives of many students as we go forward.

**Mr. Levac:** I'd like to thank, obviously, Mr. Yakabuski and Mr. Kormos for this committee support, but also for their individual support and their efforts to keep this moving along. Looking in this room at this time, I'd think Mr. Kormos would be the dean of us, helping me the odd time with a few little procedural things to make sure we kept attention to this.

I want to make a comment that's based on when I introduced the bill back in 2001. It's based on my personal experience as a principal, where I had to deal with five separate incidents of anaphylactic shock, four of them students and one of them an educational assistant of mine who ended up in the hospital in critical condition. I became quite aware of the importance of putting all of the three pillars together to ensure that we could do whatever we possibly could to prevent that.

The second inspiration I received was from Mrs. Dwyer, whose students attended St. Peter's school in Brantford, and who unfortunately had a very difficult time convincing some people that her children's lives were at stake. One of the incidents I had to face as a principal was a parent who told me that their child only ate peanut butter sandwiches. The child decided to test one of my students who had an anaphylactic response to peanuts. I suspended the student for 20 days, and the parent fought me. I got support from my superintendent. I said that it was like waving a gun in front of somebody, and I didn't accept the behaviour after we had tried to negotiate how to deal with this.

As a legislator, I saw an opportunity to correct and right a wrong. The basis of my drive—as Mr. Kormos pointed out, sometimes frustrating but most of the time

rewarding—is education. It's got nothing to do with trying to find the nuances of what word means what on a piece of paper. We need to educate people, and what Mrs. Shannon has done, what NASK does, what Anaphylaxis Canada does, what the allergy organizations and many good principals and good school boards do is provide education for this very, very serious problem that is getting worse.

I can only say to you how proud I am to sit before you and say that when we act together and take on this serious problem, we'll do better. I deeply appreciate all the support that's been given.

Cindy Paskey, Mrs. Shannon, Mrs. Shannon's sister, Anaphylaxis Canada, Laurie, and my new buddy who wants to run for Parliament one day and take my job—I told him to wait until I retire—I would like to comment that we did receive wholehearted support from all the teachers' groups, the boards and the trustees' associations with some of the amendments requested.

I want to suggest that my staff have been tireless in this. I also would suggest to you that the Ministry of Education staff have been wonderful. I've got commitments from them that they will continue to help us with education and with making sure that every single school has an appropriate response to anaphylaxis. I want to thank all of you.

**The Chair:** Any further speakers?

**Mr. Kormos:** Recorded vote.

**The Chair:** We were in the middle of Bill 3, as amended. So is it a recorded vote on that issue? OK.

#### Ayes

Dhillon, Kormos, Levac, Matthews, Orazietti, Ouellette, Yakabuski.

**The Chair:** That's unanimous.

Shall I report the bill, as amended, to the House?

**Mr. Kormos:** Recorded vote.

#### Ayes

Dhillon, Kormos, Levac, Matthews, Orazietti, Ouellette, Yakabuski.

**The Chair:** This concludes this committee's consideration of Bill 3. I'd like to thank all colleagues on the committee for their work on the bill. The committee also thanks the committee and ministry staff and members of the public who have contributed to the committee's work.

This committee now stands adjourned until 3:30 on Monday, May 9.

*The committee adjourned at 1621.*



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First Session, 38<sup>th</sup> Parliament



## Assemblée législative de l'Ontario

Première session, 38<sup>e</sup> législature

# Official Report of Debates (Hansard)

Monday 9 May 2005

# Journal des débats (Hansard)

Lundi 9 mai 2005

**Standing committee on  
general government**

Family Responsibility and  
Support Arrears Enforcement  
Amendment Act, 2005

**Comité permanent des  
affaires gouvernementales**

Loi de 2005 modifiant la Loi  
sur les obligations familiales  
et l'exécution des arriérés  
d'aliments

Chair: Linda Jeffrey  
Clerk: Tonia Grannum

Présidente : Linda Jeffrey  
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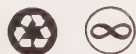
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GENERAL GOVERNMENTCOMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES

Monday 9 May 2005

Lundi 9 mai 2005

*The committee met at 1558 in room 151.*FAMILY RESPONSIBILITY AND  
SUPPORT ARREARS ENFORCEMENT  
AMENDMENT ACT, 2005LOI DE 2005 MODIFIANT LA LOI  
SUR LES OBLIGATIONS FAMILIALES  
ET L'EXÉCUTION DES ARRIÉRÉS  
D'ALIMENTS

Consideration of Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Act, 1996 and to make consequential amendments to the Fish and Wildlife Conservation Act, 1997 / Projet de loi 155, Loi modifiant la Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments et apportant des modifications corrélatives à la Loi de 1997 sur la protection du poisson et de la faune.

## SUBCOMMITTEE REPORT

**The Chair (Mrs. Linda Jeffrey):** Good afternoon. The standing committee on general government is called to order. We're here today for the purpose of commencing public hearings on Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Act, 1996 and to make consequential amendments to the Fish and Wildlife Conservation Act, 1997.

The first item on our agenda is the report of the subcommittee on committee business. Mr. Brownell, would you move the report of the subcommittee and read it into the record?

**Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh):** I so move, and I'll read it.

Your subcommittee met on Monday, April 25, and Wednesday, May 4, 2005, to consider the method of proceeding on Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Act, 1996 and to make consequential amendments to the Fish and Wildlife Conservation Act, 1997, and recommends the following:

(1) That the committee meet for the purpose of public hearings on Bill 155 on May 9, 2005, in Toronto at Queen's Park.

(2) That an advertisement be placed in the Globe and Mail and one French weekly for one day, during the

week of May 2, 2005, and that an advertisement also be placed on the OntParl channel and the Legislative Assembly Web site.

(3) That the deadline for those who wish to make oral presentations on Bill 155 be 5 p.m. on May 4, 2005.

(4) That the clerk, in consultation with the Chair, be authorized to schedule all witnesses.

(5) That if all witnesses cannot be accommodated, the clerk provide the subcommittee members with the list of those who have requested to appear, by 6 p.m. on May 4, 2005, and that the caucuses provide the clerk with a prioritized list of witnesses to be scheduled by 2 p.m. on May 5, 2005.

(6) That all witnesses be offered 15 minutes in which to make their presentations.

(7) That the Minister of Community and Social Services be invited to make a 10-minute presentation before the committee on May 9, 2005, followed by a 10-minute technical briefing by ministry staff, followed by a 10-minute question/comment period from the opposition members of the committee.

(8) That staff from the Ministry of Natural Resources also be in attendance on May 9, 2005, to answer any questions the committee may have.

(9) That the deadline for written submissions on Bill 155 be 5 p.m. on May 11, 2005.

(10) That amendments to Bill 155 should be received by the clerk of the committee by 12 p.m. on May 13, 2005.

(11) That the committee meet for the purpose of clause-by-clause consideration of Bill 155 on May 16, 2005, in Toronto at Queen's Park.

(12) That the research officer provide the committee with background information on Bill 155 prior to the start of public hearings, and that the research officer also provide the committee with a summary of witness presentations prior to clause-by-clause consideration of the bill.

(13) That the clerk of the committee, in consultation with the Chair, be authorized, prior to the passage of the report of the subcommittee, to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

That is the report of the subcommittee, Madam Chair.

**The Chair:** Thank you, Mr. Brownell. Any comments or questions on the report of the subcommittee? Seeing



none, all those in favour? All those opposed? That's carried.

### MINISTRY OF COMMUNITY AND SOCIAL SERVICES

**The Chair:** Our next order of business is a presentation from the Ministry of Community and Social Services. Minister Sandra Pupatello is here. Thank you for coming. We appreciate your being here. You have the floor.

**Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues):** Thank you so much, Chair. It's really a pleasure to be here. This is fairly inaugural for me; it's my first piece of legislation out of the community and social services ministry, and I'm very happy about it. Considering the length of time that many of my colleagues and I spent on the issue of the Family Responsibility Office, you can imagine how thrilled we were to have a hand in trying to improve the office.

Let me start by introducing the executive director for the Family Responsibility Office, Sharon van Son. She's also on the agenda to speak momentarily. I have a number of our professionals from the Family Responsibility Office here, and they're listed on the schedule: Barbara Nawrocki, who is our deputy director of legal services, Melanie Herbin and Katherine Catton. We've also asked the Ministry of Natural Resources to be available. George is here from that ministry to allow for any technical information as this bill relates to that ministry. We're happy that he could join us as well.

I'd like to briefly talk about what we inherited at the Family Responsibility Office when we became the government, the immediate steps we took to improve that office and the results those steps are showing, and how this legislation builds on those initial steps to increase enforcement, improve fairness and enhance efficiency at FRO, as we call it.

What we inherited: For years, the Ontario Ombudsman, the Provincial Auditor and the Ontario Information and Privacy Commissioner had been calling for improvements at the Family Responsibility Office. They repeatedly spoke of its inadequate service delivery and lack of tools to support enforcement, and they identified an unsatisfactory system of taking action and collecting payments that were in arrears. They warned that this office was at risk of not being able to fulfill its mandate, putting us in an extremely precarious position. It was, in fact, very serious. In short, we did inherit an office that was not working well enough, and we knew we had to move immediately to take some steps so we could turn that ship around as soon as we could, and I believe that we did.

In February 2004, right at the Family Responsibility Office, we had a significant announcement, and I'm proud to tell you of some of those changes that have started to take place as a result of that announcement.

More than \$112 million has since been collected as a result of our credit bureau initiative. What that means is,

as opposed to just sending the files down to the bureau, we actually call people, write them a letter, and tell them, "Look, we need you to come into compliance or we're going to the credit bureau." That alone has resulted in the cheques literally flying into the office, because people at least have a chance not to ruin their entire credit rating history because we've not informed them. I'm very pleased with that.

The FRO now fields 36% more phone calls. It's still not enough. We still have a long way to go, but I can tell you it is vastly improved. The average wait time on the customer service line is half of what it was in February. It's often not short enough yet, but it is half what it used to be.

The FRO can now take enforcement action on more than 16,000 cases, simply because we've identified staff and made them available to open the mail that comes back to the office, a pile of which used to just sit there because we didn't have the manpower to get at it. These are results that truly speak for themselves.

There's more: \$107 million has been collected from defaulting payers as a result of issuing almost 7,500 notices of intention to suspend drivers' licences. We've managed to seize more than \$162,000 in lottery winnings from parents who owe support payments, and service continues, thanks to more than 150,000 new PIN numbers, personal identification numbers, being issued to our clients, who can then go online themselves through the telephone system and access information 24-7. We really are coming into the new age in terms of technology.

We know there is still a long way to go. These results show us, though, that we can turn things around. I believe we've got to build on this to give the Family Responsibility Office a strong foundation from which to continue to serve Ontario families. That's what the legislation does today. Specifically, it would:

—increase enforcement by increasing the maximum jail term for failure to comply with court orders from 90 days to 180 days. The simple fact is that 90 days wasn't deterrent enough.

—ensure early-release provisions under section 28 of the Ministry of Correctional Services Act do not apply to jail terms ordered under the Family Responsibility and Support Arrears Act; that is, you can't get early release if it's because of this failure to comply with a court order.

—make it easier for FRO to obtain a financial statement from a third party that is financially linked to a default payer. Many of us have had people in our own constituency office tell us stories where the whole neighbourhood knows where these people have hidden their money. It's just not acceptable, and we think this in particular will send a very strong message from the government that it is unacceptable not to pay your court order.

We also want to:

—increase the FRO's power to demand personal information about payers in order to locate them. Often, our biggest stumbling block is simply not being able to find them.



—expand the number of organizations from which the FRO can demand information to include trade unions, something that should have been part of our access earlier, but which simply was not.

—report default payers to professional licensing bodies.

—suspend defaulting payers' hunting and fishing licences.

—give us the authority to post those we can't find on a Web site, a measure we'll take if we feel we have to.

We would like to have this portion in legislation so that if we get to that point, it's there. I personally don't have the intention of moving to this point, because I think that with the enforcement measures in this bill so far, the message will be loud and clear. We really have to change an attitude out there. It's not OK to allow your children to go without support.

We want to improve fairness by:

—giving our staff the flexibility to allow the FRO to cease enforcement of a child support when a recipient does not respond to an inquiry about ongoing entitlement to support. We know we have a lot to do in terms of getting educational information over to our judging system. In the meantime, we know our director should have the opportunity to make changes to the court orders where it makes perfectly good sense to do so. She has to do that judiciously. I will tell you that it saves both parents lots of money and lots of time. It saves them from having to go back to the court system again to make changes that are just so apparent.

—allowing FRO to enforce a lesser amount of support when the number of children entitled to support decreases. When the orders aren't written out really clearly, it doesn't allow for that kind of interpretation to be taken out in a different context. When things are patently clear, we still force parents—both sides, men and women—back to court, with extraordinary court costs.

—allowing the FRO to create standard support order terms by regulation. We would like to tighten that up and make it a lot clearer and, frankly, easier for judges to write out those orders.

**1610**

It would enhance efficiency by:

—allowing income sources to send support payments to the FRO electronically.

—requiring mandatory direct deposits for recipients.

—allowing the FRO to collect arrears owing to an assigned representative; for example, social assistance, and other support programs that Ontario has agreements with.

—allowing the FRO to collect fees on behalf of other support programs that Ontario has agreements with.

—allowing the FRO to automatically calculate and collect interest on arrears at a standard rate for all cases. Recipients will no longer have to do those calculations.

—confirming that the FRO is a law enforcement body for the purposes of privacy legislation.

It builds on what we've already accomplished since February 2004. This legislation is the next step. We knew

we had a number of administrative things that we needed to tighten up. Our next step now is enforcement.

As you know, in the last budget, we had an identified \$40-million enhancement at the FRO. Much of that is to do with the building of a case management model, which the Provincial Auditor has been pointing to since 1994's report. So almost every political party has been involved in understanding the critical need for a case management system at the FRO. We are well on our way to identifying that.

I really think this piece before us today is extremely important. Not only does it give us the enforcement tools, but it gives us the opportunity to send a very clear signal to the public of Ontario: You must pay your court-ordered support. It is really important.

So far, as we've been hearing in the debates on second reading, some of the media interviews and some of the detailed discussions around this bill, I've been very pleased to hear the word "fairness," that overall it has been interpreted as being fair, not slanted toward one side or the other, and understanding that the Family Responsibility Office is in quite a unique position: entering into what is typically an extremely acrimonious debate between two parents that led to a court order, and then we have to come in and enforce an order.

Much of the debate, publicly, is often around the content of the order. That's not for us to decide at the FRO. We're about bringing people into compliance, and we believe this bill will help us to do that. We think it will give us more tools to help families get what they need. So we've got a tremendous opportunity before us.

Let me say before I close that we are very happy to hear amendments that would strengthen the bill, and we look forward to having samples of amendments forwarded to us from all parties involved in this discussion. We hope we'll have the opportunity to accept those amendments if we believe they will strengthen this bill. So we would be more than happy to hear them.

I look forward to the presentations, to the discussions and to the recommendations that we may hear that will help our Family Responsibility Office work even better for Ontario's families.

Finally, I hope all committee members will support the legislation, which really is in the best interests of families.

I'm very happy, through your agenda items, to take any questions that might be directed my way. Thank you for the opportunity to speak to all members of the committee.

**The Chair:** Are there questions of the minister?

**Mr. Jerry J. Ouellette (Oshawa):** I have a number of questions. What is in place so that the FRO is aware of the VAPS, the voluntary arrears payment schedules, that are done through the courts? As it stands now, there is no requirement for that information to be passed on. When somebody is looking at an arrears screen, it may say "arrears," but there's no requirement to have VAPS listed on there. What is taking place to account for that?



**Hon. Ms. Papatello:** Maybe I can direct that toward my director.

**Ms. Sharon van Son:** My name is Sharon van Son. I'm the executive director of the Family Responsibility Office. I'm not quite sure I understand your question.

**Mr. Ouellette:** I'll give you the guidelines of a case. Currently, there's one case we're dealing with—as I'm sure a lot of members do—that has about \$2,000 outstanding, and it's about 10 years old. There is currently a voluntary arrears payment schedule, an agreement between the two, that states that \$50 a month is fine between the payer and the recipient. However, somebody looking at an arrears schedule would say, "Wait a second. This person has been out of compliance for 10 years for this much." How are we going to ensure they're not suspended in other areas?

**Hon. Ms. Papatello:** I think if you have a look at the previous auditor reports, a number of pieces of data are listed that show certain percentages that are completely out of compliance. They're not complying whatsoever. There's another whole whack of numbers of people who are somewhat in compliance. Those individuals would be falling into that category.

**Mr. Ouellette:** My concern here is that those individuals don't fall into the grey area. All of a sudden they're in compliance because of court agreements, and they may be penalized, even though it's in place.

**The Chair:** Mr. Ouellette, can I leave this to the technical briefing, perhaps? I think, really, these are just comments to what the minister spoke to today.

**Hon. Ms. Papatello:** I think what we would like to do, though, is get information to you to give you some certainty around that.

**The Chair:** I think we can get back, but we've got a pretty tight schedule. It's not that I don't think the information is important, but—

**Hon. Ms. Papatello:** We'll get back to you on that.

**The Chair:** OK. Any other short questions before we get to our technical briefing?

**Mr. Michael Prue (Beaches—East York):** Just a couple, and they're all things the minister said today. You said it was a good thing to raise the penalty from 90 days to 120 days.

**Hon. Ms. Papatello:** It's 180.

**Mr. Prue:** It's 180. How many 90-day sentences have there ever been in Ontario's history that we need to double it?

**Ms. van Son:** If I can attempt to respond to that, one of the challenges that we have is actually capturing that kind of information in our current system and our current structure. I think what's important to note, though, is that when we bring a person to a default hearing, it is because we have attempted every other measure or enforcement tool that we've had at our disposal, and that has not worked. So we then bring the payer to court, and it really is the decision of the court and the judge to determine whether this individual should be incarcerated and whether they have the means in which to pay but, in fact, they're just not fulfilling their responsibilities.

So I can't give you the short answer to your question in terms of numbers, but I have to say to you, though, our experience has been that having this enforcement measure and this possible decision being made by the judge is a real deterrent. For some, however, they don't seem to have a problem with spending 90 days in jail rather than pay. I think the message that this government and this minister is attempting to bring forward is that we're very serious about this. Ninety days is one thing; 180 is another. But at the end of the day, it is the decision of the court in terms of whether this person will be incarcerated.

**Mr. Prue:** The real answer is you don't know.

**Ms. van Son:** I don't have those numbers.

**Mr. Prue:** OK. The second question is the staffing. All the indices are that the waiting times have gone down and stuff. Is it, in fact, true that there have been layoff notices given at the FRO?

**Hon. Ms. Papatello:** No. That's incorrect. In fact, when we took office, within the first few months we announced a number of contract positions that were being hired. So they were never coming on full-time permanent; they always were contract. In fact, some of the numbers that you might be referencing that were listed in an obligated public list across the government with phone numbers included, were for contract positions that haven't started yet, but because the rules obligate us to list what might end over the course of the next two or three years, they were listed there. But there have been no layoffs. In fact, there have been hires on contract, because we cannot wait for enforcement measures to be passed. We can't wait for the case management model. We've got to get on with some serious administration issues.

**Mr. Prue:** Another short one: You mentioned licensing bodies. A licensing body like, I don't know, the Law Society of Upper Canada—a lawyer is in default. We might think a lawyer is not in default, but we tell the licensing body. What's the licensing body supposed to do, or the doctors or the engineers? What are they supposed to say? "You can't be a doctor," "You can't be an engineer," or "You can't be a lawyer," or is it just to embarrass them?

**Hon. Ms. Papatello:** I think it's important to note that most of the enforcement measures are meant to bring people into compliance, that we don't want to get to the point where we actually enact the thing it is that we have the power to do, because we want them to come into compliance.

So on this matter of actually reporting them to their professional body, it really is the intent that if there is a practising lawyer who is in contravention of a court order himself, which is quite interesting considering what that person might do for a living, we believe that if they understand that they would be reported to their own professional body, it would be one more reason for them to come into compliance. If it moves to that point where he or she is, in fact, reported to that licensing body—in that case, the law society—the law society then has its own terms for what is considered a member in good



standing. We're certainly leaving it up to those bodies, at least up till now, to determine what they would do when they understood that someone was in contravention of a court order. This bill doesn't mandate anything that happens; it's simply reporting to those bodies.

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**The Chair:** Thank you for your time, Minister. We appreciate your being here.

**Hon. Ms. Papatello:** Thanks so much.

**The Chair:** We're now at the point where we would get the technical briefing from the Family Responsibility Office, so does the rest of the staff want to come up for the briefing?

**Ms. van Son:** I'll start the briefing, if I may.

**The Chair:** Could I ask that anybody else who is going to speak identify themselves for Hansard prior to speaking, so that we have it for the record?

**Ms. van Son:** Beside me is Barbara Nawrocki, who is my director of legal, and Melanie Herbin, who is our senior counsel at the Family Responsibility Office.

If I may, I'm just going to start my presentation with a bit in regard to the evolution of support enforcement legislation in FRO. Prior to 1987, approximately 85% of all support orders in Ontario were not being paid. Recipients had to conduct their own enforcement using writs or garnishments, and had to attend show cause hearings, later known as default hearings. In 1987, what became the Family Responsibility Office was created by statute to enforce support orders for the benefit of recipients. From 1987 onward, there has been a successive number of acts that have created new support enforcement tools such as liens, support deduction orders, drivers' licence suspension, credit bureau reporting and garnishment of joint bank accounts.

Bill 155 includes both substantive and housekeeping changes. These will be the first changes to the legislation since 1995. The substantive amendments strengthen our enforcement tools, they improve FRO's ability to trace and locate defaulting payers and they streamline some of our enforcement procedures. There are also some housekeeping amendments which basically clarify some of the meanings of the intended provisions and update some of the terminology.

In terms of timing, should Bill 155 pass, most of the substantive changes would come into effect on royal assent. The remainder would come into effect on proclamation to allow time for work to support those changes because a lot of these changes will require the new technology that we are also bringing in to develop and to carry forward those changes. The housekeeping changes would come into force on royal assent.

I would like to go through some of the enforcement measures that we are proposing to strengthen our enforcement and to give you some of the highlights, some of which you have already brought to the minister's attention. Before I get into these proposed amendments, I think the thing that is very important is that it is never our intent to be punitive. It is never our intent to harm people or to put people in difficult situations, but these are

people who have gone to court. These are parents who have not been able to make decisions on their own. They have gone to court and they have asked the court to determine issues around support, custody, access and a number of issues during family breakdown and divorce proceedings. They have a moral and a legal obligation to pay their child support, to pay their spousal support. When they do not, and when they wilfully do not, the Family Responsibility Office has a very clear mandate, and that is to make these people—and I hate to use the term “make,” but it's true—fulfill their obligations, both legally and morally, to their children and to each other.

Reporting defaulting payers, as you've talked about briefly, to prescribed professional and occupational licensing entities, as the minister has very clearly indicated, are steps that we would take only in situations where the payer has failed to meet his or her obligations. We have already undertaken a number of consultations with the Law Society of Upper Canada. We are also speaking with the College of Physicians and Surgeons of Ontario. We were approached by the Ontario Motor Vehicle Industry Council, which was very interested in working with us. In future, other bodies, such as professional engineers, certified general accountants, perhaps the College of Chiropractors of Ontario and others will be approached. We will be discussing all these proposed amendments in conjunction with these organizations because we don't want it to be a shaming exercise. We do, in fact, want it to be an exercise where people understand that they have responsibilities not only to themselves but to the associations which they represent.

In terms of suspending defaulting payers' prescribed hunting and sport fishing licences, regulations will be developed prescribing these affected licences in consultation with the Ministry of Natural Resources. Again, this is about sending a strong message to people that it's not right for you to go hunting and fishing while your children perhaps are living in poverty or while your family is not able to send their children to school with food in their mouths in the morning.

We currently already suspend drivers' licences. Through the federal government, we also suspend other licences, such as passport suspension. We can suspend commercial pilots' licences. Whether you're an airplane pilot, a helicopter pilot, a flight engineer, a sea captain, a ship's cook, all of these people require licences, and we do already, with our colleagues in the federal government, have the ability to suspend these licences.

In all cases, however, we provide notice. This isn't about being overly aggressive; this is about warning people, “You have an obligation,” and we will provide notice to these individuals.

This tool around fishing and hunting will send a very strong message about complying with obligations. As I've indicated, it's very similar to our driver's licence suspension. As the minister has noted, we've had a fair bit of success in terms of the driver's licence suspension. As I've mentioned, my senior counsel have already been in discussion with the Ministry of Natural Resources on



how we are going to do this to ensure that it is a fair and appropriate process and that we can enforce it.

The other provision within this proposed bill is increasing the maximum committal term that a judge can order against a payer who is able to pay on default. I think this is a very important point. We are talking about a last-ditch effort through the courts, where every other enforcement tool we have attempted to use has failed. If the judge is certain or has certainty that this person can pay and has, for whatever reason, decided not to pay, then we'll make a committal order in the default hearing and incarcerate that individual.

The other thing around this, and this goes to the issue around the early release provision, is that a person who is incarcerated—this is not a criminal offence, by the way—can come out at any time. The only thing they have to do, however, is to pay their support. The judge does not always determine whether the person shall sit in jail for 90 days. They may say, "You've got five days" or they may say, "You are in jail for 30 days." It is the court's decision and the judge's decision to determine what the appropriate term is. At any point in time, should that person decide to pay their support, they are immediately released. If, however, they decide to sit in jail, their obligation and their payment to their family do not disappear. We will start again, because under the law they are obligated to pay this support.

What we are trying to do in terms of early release is to deal with a situation that we've had with the Ministry of Community Safety and Correctional Services. They seem to have felt in the past that they are able to let people off for good behaviour. We're saying, "Sorry, that doesn't apply to us. Yes, people can be released early, but you must pay your support." So within this provision, we are actually clarifying the early release provision within our act.

The other thing that is very challenging in the Family Responsibility Office is actually around trace-and-locate. While we are strengthening some of our enforcement tools, the other thing that we're working very hard on is the trace-and-locate powers within our current legislation. Half the battle sometimes is finding some of these people. When defaulting payers cannot be located by other means, FRO, as the minister mentioned, would be able to post their names and other prescribed information on the Web site. This is something we're working on in anticipation that we may do this at some point in time. It's a tool that is currently being used in Alberta. They use it as a trace-and-locate tool. They have found several dozens of payers this way, and about 70% have actually started making support payments. Again, we realize there are significant privacy and confidentiality issues; there are issues around the children in terms of perhaps seeing their parent on the Web site. We understand all of those things. The criteria we will develop will be very clear, very specific, and this would be a tool that we would use very much as a last resort.

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In terms of demanding information, one of the gaps we're trying to fill in the legislation is—I know it may

sound pretty obvious, but we are now asking in this bill to be able to demand a payer's telephone and fax number and e-mail address, in addition to the information we are currently allowed to demand in terms of the address, the employer and other such types of information. Again, we talked a little bit about FRO being able to demand information about a payer from professional organizations and trade unions. Oftentimes, payers don't like to provide us with updated information; however, they seem quite comfortable in providing their professional associations with information that they will not give to us. So in this proposal, we are proposing that we would be able to demand this information from these professional organizations. Particularly payers in the construction trade, who move a lot from job to job—trade unions in the past have been very supportive of providing us with information and working with us in order to trace and locate these individuals.

One of the things the Provincial Auditor has been talking to us about for many years is our inability to calculate interest on arrears automatically. We've never had the technology to allow us to do this and we always knew it would be a very difficult and unwieldy manual process. Through the investment the government is making and through this legislation, we will now be able to calculate interest on arrears automatically.

The other proposal in this bill is exercising discretion to cease enforcement of ongoing child support if a recipient fails to respond to a request for information. Many times the payer will call us or send us information and say, "Listen, this child's court-ordered payments have terminated." The child is 18 or is no longer living at home or is now in university or has left school. Our current process is that we must ask for confirmation from the support recipient. What we are proposing in this bill is that if the recipient fails to respond—and oftentimes, recipients do fail to respond—rather than holding the payer hostage to this court order, we will be given the discretion to make a decision in terms of whether the child is still entitled to support. We think this will be an excellent way of streamlining and also will eliminate abuse of the existing system if the support recipient does not respond.

The other area we're looking at and proposing is exercising discretion to enforce a lesser amount of support when the number of children entitled to support under the child support guidelines order decreases. Currently, we cannot reduce the amount of support that is being collected under the child support guidelines even where everyone agrees that the number of children entitled has decreased. We receive from the courts what we refer to as a global order, and within that global order it says, "Thou shalt pay \$483 a month for all three children." It doesn't make a distinction about the children; it doesn't separate them out. It just says, "It's \$483." However, when children do become 18 or there's a terminating event, we want to have the opportunity and discretion to reduce that amount of support owing. I want to be very clear about this, though: We are not changing



the court order; we do not have that authority. Parties will still, unfortunately, have to go to court, should they wish to discuss or change the court order because somebody's circumstances have changed. What this is allowing is for us to use some of our discretion in situations such as that.

That is a very brief technical briefing and overview of the highlights of the proposed legislation under Bill 155.

**The Chair:** Thank you. There isn't time to ask any questions, unless they're really quick. We're way over our schedule and we've got delegations waiting.

**Mr. Ouellette:** The agreement says we have up to five minutes each to ask questions, so we should be in compliance with the agreement.

**The Chair:** I understand that you have five minutes for your opposition critic's statement. If you want to use that time for questions, you can. That's my understanding of the agreement at the subcommittee. If you want to use your five minutes as time to question technical briefing staff, you're welcome to do that. Would you like to use that, Mr. Ouellette?

**Mr. Ouellette:** Yes.

**The Chair:** Fine. You have the floor.

**Mr. Ouellette:** Several questions. First, the minister had talked about improved fairness and the must-pay court-ordered support. What happens when there is non-compliance with a court order?

**Ms. van Son:** When there is non-compliance with a court order, that is when we exercise our authority under our current legislation to enforce those court orders.

**Mr. Ouellette:** Actually, I'm referring to access court orders. This is a very difficult subject and there are a lot of problems in a number of areas. I've got great staff in our office and we deal with a lot of these cases, much as we don't like to, but we're put in those situations. We've actually been able to track down individuals in England and start to get compliance from them. What happens in non-compliance with access orders?

**Ms. van Son:** I think it's important to understand that the Family Responsibility Office's mandate is very narrow. Our mandate says we shall enforce child or spousal support court orders. We do not have any authority to enforce—and I know that access is a huge issue. It comes up quite frequently. Payers say to us quite frequently, and use it as an excuse not to pay their support, "If I don't get to see the children, why should I pay support?" This is an issue that has been under discussion for some time, but the short answer for us is that we have no authority in our current legislation to enforce access or custody of those children.

**Mr. Ouellette:** OK. You mentioned the global orders and that you have some discretion there. For example, General Motors—and the minister will be well aware of what happens in an automotive town environment, whereby the court order is based on the income of the previous year. However, at General Motors, for example, they have a substantial number of layoffs. In a two-month period, 50% of the income for both months is gone because they're laid off on short notice, and not only that, but the amount of overtime that's made avail-

able. What sort of ability is there going to be to take that into account?

**Ms. van Son:** This issue is an ongoing challenge. Again, because we respond to a court order—if a court order says clearly to us that this is an employee of General Motors, for example, which does have seasonal layoffs over time, the order will say, not in all instances but in some instances, that we will enforce support while this person is employed, and during any kind of seasonal layoff, we are to suspend that enforcement. Unless the court order is really clear, there is nothing we can do except enforce what the court order tells us to do. If it doesn't address that issue, we are not allowed to address it ourselves.

The only other avenue, which the minister also commented on, is that if people wish to vary their order, they must go back to court to change and vary that order.

**Hon. Ms. Papatello:** If I may on this question, if you can suggest amendments that would strengthen this section of the bill, I would love to see them. It is an area that I think we can perhaps do more work in, because given where we come from, or for whatever reason, we understand the cost to families to send them back to court for what is patently clear. In a discussion around how your amendment would actually read, I'd be very interested to see that.

**Mr. Ouellette:** Chair, I'd like to use our remaining time after the MNR briefing.

**The Chair:** Mr. Prue, you have five minutes for comments or questions, whichever you prefer.

**Mr. Prue:** I'd like to go back and ask some of the same questions, but this time about unions. Unions are now going to be a source of information for you. For what purpose is this? Because you can't get the information from elsewhere, or to embarrass the union member before his or her brothers and sisters?

**Ms. van Son:** Our intention is never to embarrass anyone. Our intention is to have people fulfill their obligations to their children and their families. This would be to find someone and perhaps to find information that would help us either locate that individual or enforce.

**Mr. Prue:** With a few exceptions—and I'm thinking sometimes in the construction trade or perhaps the music business, if people belong to a music industry union—isn't it easier just to find the person at his or her workplace?

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**Hon. Ms Papatello:** I have to say that a number of people who are tradespeople for a living are sent out on the job through the union. The union does the placement. Depending on what job they're working on, they could be in one place for two weeks and the next place for three, or perhaps for the whole summer at one site. The difficulty for us has been to track the employment place. If we can go through the unions, it's just simpler. The information is always there, because that's the body that houses all the information we need to get at the person, and we don't have to worry about whether this person is constantly moving. It's just easier for us to find them. It's



no different from any other place of employment, other than that that type of employment tends to be vetted through the unions. That's why we need to act—

**Mr. Prue:** So you're talking primarily about construction unions here.

**Hon. Ms Pupatello:** People who work in the trades, people who get billeted out, basically, by their unions. That's just how that industry works. It's easier to find them, because if we had to go to the place they're actually landed to do the framing for that house for those two weeks—we know it's this union, at this address, that is constantly sending them to wherever their job site might be. It just helps us locate people.

**Mr. Prue:** I'm constantly amazed—I understand somebody not wanting to lose their pilot's licence or their driver's licence, but a fishing licence? What kind of deterrent effect do you think that will have?

**Ms. van Son:** We've had a number of discussions on this. My understanding is—and maybe our colleagues in natural resources can talk more intelligently on this. I think it's the same message we want to provide to anyone in terms of your driver's or pilot's licence. It's another area where people must be licensed. I understand, from some of the people I've talked to in the north and in eastern Ontario, that they would do anything not to lose their hunting or fishing licence.

We're looking for tools to help improve our ability to enforce. We will do this very carefully. Again, there will be a notice provision, so there'll be fair warning. Hopefully that person will take note of that warning and do the right thing.

**Mr. Prue:** Part of the great problem the FRO has had in the last number of years is an antiquated and, some would say, disastrous computer system trying to track everything. How much have you asked for in this year's budget to make that right?

**Ms. van Son:** As the minister mentioned, she and her government provided our program with \$40 million over four years. I'm very pleased to tell you that we now have a vendor in place, and the amount of money that has been set aside for this is \$7.2 million.

**Mr. Prue:** Who's the vendor?

**Ms. van Son:** The vendor is Themis Program Management and Consulting Ltd.

**Mr. Prue:** When will that be up and operating?

**Ms. van Son:** We're looking at a timeline of anywhere between 18 and 24 months.

**Mr. Prue:** From now?

**Ms. van Son:** From now.

**The Chair:** Did you want to use your remaining time when MNR is asked to comment?

**Mr. Prue:** Why not? I want to hear about the fishing licences.

**The Chair:** Actually, there is no presentation by MNR, but because both members have indicated a desire to ask MNR staff, I'd ask them to come up. Both opposition parties have an opportunity to ask a minute and a half worth of questions.

Thank you very much, Minister.

**Ms. van Son:** Do you wish me to stay or do you want me to leave?

**The Chair:** You can stay, but I need MNR staff at the table.

## MINISTRY OF NATURAL RESOURCES

**Ms. Leith Hunter:** I'm Leith Hunter. I'm the deputy director of the legal services branch. This is Gina Cunningham, from central agency liaison. We don't have a presentation, but are there questions?

**The Chair:** Mr. Ouellette, you have the floor.

**Mr. Ouellette:** The questions are twofold. One, what changes are being made by the licence issuers to comply with this? First of all, I'm not sure if you're familiar with the fact that licences could sit in a facility that retails licences for up to two months before MNR picks them up. Somebody could buy a licence and have it sit there for two months before it's even registered in the ministry. What computer systems are being put in place to handle the calls that come in so you can handle when a CO checks to find out if the licence is verified? Lastly, is it the licence or tag that's being suspended? In a party moose-hunting application, if a tag recipient happens to be one that is suspended, then the entire party is under suspension, as opposed to the individual.

**Ms. Hunter:** I'll start, and then perhaps Gina can correct me if I make some mistakes. First of all, no determination has yet been made as to which licences will be prescribed by regulation and therefore will fall under the definition of "licences" for the purposes of the act. That determination hasn't been made.

**Mr. Ouellette:** So it could be a deer, a moose, a bear, a wolf, small game—it could be any of those licences?

**Ms. Hunter:** No determination has yet been made. What probably makes most sense is that the licences that will be prescribed are those that are issued pursuant to the computer system operated by the ministry. That would include the outdoors card, when it's issued or renewed, and it would include adult moose validation tags and antler list deer validation tags. Those two tags are issued pursuant to a draw that is managed by the ministry, as you know. That would be an opportunity for the ministry to catch and refuse to issue those licences.

**Mr. Ouellette:** Are those tags transferable to other individuals in the group, then, if it's a moose tag? Because you party hunt in those, the way the Ontario system is.

**Ms. Gina Cunningham:** The way the system works with adult moose tags is that at the time that an application is made, the tag is issued to one individual and another person from the group is selected on just a random basis to be the alternate tag holder. The tag can be transferred to the alternate tag holder, but it has to be done prior to the start of the moose hunt and it has to be done by the person going into an MNR office and seeking a form.

**Mr. Ouellette:** So this would be applicable to what takes place with the FRO suspensions?



**Ms. Cunningham:** If the decision is made that the moose tag is one of the licences that will be subject to the provisions, then yes.

**The Chair:** Thank you. Your time has expired. Mr. Prue, you have a minute and a half.

**Mr. Prue:** In terms of a fishing licence—I have one; it's a little card that looks like a credit card—as you travel around Ontario, you see signs up for fishing licences, and you can get one right away for a couple days, a week. What is to stop somebody from just getting one of those? You just go in, and I don't think you even show any ID, do you?

**Ms. Hunter:** One of the things that is clear is that it is only certain licences that we will have the capability of suspending, and those are ones, assuming they're regulated, that are issued, at least initially, pursuant to the MNR licensing system, the computer system. At the moment, there are a lot of licences that are issued by independent issuers across the province at Canadian Tire or Wal-Mart—

**Mr. Prue:** Yes, all of them

**Ms. Hunter:** At the moment, it is just not practical to try and have those licences come under this act. It may become practical, but it isn't now.

**Mr. Prue:** OK. So somebody who loses the one that looks like a credit card, the one with the great picture of a walleye on it, can still go into Canadian Tire and get a licence and, for all intents and purposes, go fishing?

**Ms. Hunter:** Yeah, I think that's right—with one caveat, which is if that person is stopped in the field—is that right?

**Ms. Cunningham:** Yes.

**Ms. Hunter:** If the person is stopped in the field and the conservation officer checks and determines that the person is on the bad FRO list, then—I guess it would still only be those licences that are regulated, though, Gina.

**Ms. Cunningham:** Yes, so the way it would work in the field is if somebody is stopped by a conservation officer, the conservation officers all have satellite phones, and they can contact the provincial coordination centre. The people at the centre are there 24 hours a day, seven days a week. They have access to the outdoor card information system.

**Mr. Prue:** But why would they, if they had a Canadian Tire one-week fishing thing? Why would they contact anybody?

**Ms. Cunningham:** I'm only talking about a situation where information has been recorded that the person is in violation on their support orders and the conservation officer has access to that information.

**The Chair:** Thank you. Our time has expired. We appreciate your being here to answer questions.

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ONTARIO FEDERATION OF  
ANGLERS AND HUNTERS

**The Chair:** Our first delegation is the Ontario Federation of Anglers and Hunters. Welcome. Thank you for

your patience. I'm sorry we're running long, but we were kind of waiting for the House to finish before we could begin. We appreciate your being here. When you do begin, please identify yourself and the organization you speak for. You will have 15 minutes. Should you leave any time at the end of your delegation to us, there will be an opportunity for all parties to ask you questions about your comments.

**Mr. Greg Farrant:** Thank you very much, Madam Chair; no need for apologies.

Good afternoon, Madam Chair and members of the committee. On behalf of the Ontario Federation of Anglers and Hunters, our 78,000-plus members, our 640 member clubs and the almost 1.3 million licensed anglers and hunters in Ontario, I thank you all for affording me with the opportunity to appear before you today to comment on Bill 155.

From the outset, I'd like to be perfectly clear on one point: The OFAH is strongly supportive of the position that every person in this province who has an obligation to provide support payments, whether it is spousal support, child support or both, should do so in a timely and responsible manner. We also support the premise that if a person who is responsible for providing support through the Family Responsibility Office falls into arrears, then that person should be held accountable and subject to the penalties contained in the act.

While this is obviously tempered by circumstances which can, in some cases, make it virtually impossible for a payer to meet their obligations, such as illness or loss of employment, or, as the member for Oshawa has indicated, layoffs, even temporarily, even under these circumstances, payers must at least make an honest attempt to ensure that they are meeting their obligations.

Personally speaking, as one of thousands of Ontarians who has been paying child support through the FRO for well over a decade—in fact, it's now approaching 15 years—I'm well aware of the good work that is undertaken by that office. On a personal note, for many years I've been married to someone who is entitled by court order to receive child support but who has received her payments sporadically because her ex-spouse is frequently in default. So I'm familiar with both sides of the fence on this issue.

Unfortunately, no system is perfect and no bill is perfect. I know that some members of this same committee have pointed out in the House some of the shortcomings in both the family support system and, indeed, in this piece of legislation during second reading debate. Some of these are not directly pertinent to my reasons for appearing before you today, and I'll leave that to others to comment on.

There is, however, one overriding concern that was raised in the House that has the potential to impact upon anglers and hunters throughout Ontario, and it is the amendment that compels me to appear before you today.

The family responsibility act contains penalties against individuals who fail to provide support payments in a timely fashion. Bill 155 includes a provision whereby an



individual who is guilty of being in arrears of their support payments will, in addition to increased fines and penalties, which we support, and the suspension of their provincial driver's licence, which is already in force, now be subject to the suspension of their hunting and fishing licence.

According to Statistics Canada, the population of this province is roughly 12.5 million people. As I noted earlier, the number of Ontario residents who currently possess a hunting and/or fishing licence is about 1.3 million, or roughly 10% of the general population. By introducing a penalty which results in the forfeiture of a licence that is held by a minority of Ontarians, as opposed to the suspension of a provincial driver's licence, which is generally in the possession of most residents over the age of 16, the province is, in our view, unnecessarily and unfairly targeting a specific group of individuals and sending a disturbing message to the public in the process. I think this is an important point, given the minister's earlier emphasis on the issue of fairness, which she spoke to during her comments.

By implication, the province appears to be saying that anglers and hunters are more likely to be in default of their payments. If this is not the implied message, I'd be interested in knowing how else one could interpret the addition of only hunting and fishing licences to the penalties section of the legislation. I'm certainly not aware of any data that supports the contention that anglers and hunters are an identifiable group of transgressors, but if those data exist, I'd be pleased to see them.

In the absence of this information, I am prompted to ask, why would one particular group of individuals be targeted? Is it because they are in a minority? Does it have anything to do with the fact that the growing rural/urban split in this province, and indeed this country as a whole, has resulted in a situation where urban residents who have no appreciation or understanding for life in rural Ontario see traditional heritage activities, recognized by provincial legislation as heritage activities, like hunting and fishing, as some sort of an anachronism in today's society? Is it simply because anglers and hunters, despite contributing almost \$5 billion annually to the provincial economy, despite \$65 million worth of hunters' contribution to wildlife habitat conservation and despite the hundreds of thousands of person-hours that anglers and hunters put into stream and shoreline rehab, fish hatcheries and stocking programs; and despite the fact that licence fees from hunting and fishing licences contribute almost \$60 million annually to the special-purpose account, which replaces funding for fish or wildlife programs cut by a succession of provincial governments—at the end of the day are simply seen by the government as an easy target and a group that is either unlikely to speak out or engender much sympathy if they do?

By spending a few minutes searching on the Internet, it is evident that the province of Ontario either issues directly, or authorizes a third party to issue in their place, a staggering array of licences and certifications, gov-

erning everything from elevator operation to boiler inspection to real estate sales.

For the information of the committee, you will see on the last page that I've appended a list of just a few of these licences and certifications to the copy of my remarks that you have before you.

If the government is truly intent on introducing additional penalties against those who default on their support payments, and is interested in being fair about the application of these penalties, why not consider the suspension of all licences and certifications as an inducement to pay?

Now, in making this suggestion, I can imagine that some members of the committee are wondering how the suspension of these other licences and certificates that must be held by an employee to work in their chosen field will assist payers to meet their obligations. Some would, in fact, argue that by removing an individual's Ontario Motor Vehicle Industry Council certification, they'll no longer be able to sell cars or, for that matter, make their payments. By removing their OEB licence to generate, they'll no longer keep up their payments.

With all due respect, if a business owner violates the terms of their liquor licence, the city or province has no compunction against suspending their licence or closing their establishment, thereby jeopardizing their ability to pay. So why should this be any different?

If a medical practitioner violates his or her Hippocratic oath and has their licence to practise medicine stripped by the College of Physicians and Surgeons, how is this any different from suspending the right to conduct business in their chosen profession if they do not live up to their obligations under the FRO? I'm encouraged to hear that the government is in negotiations with several professional bodies on this issue, but if the suspension of licences or privileges is not a part of these discussions, I'm not sure how the issue of fairness is then addressed.

If a payer is guilty of defaulting on their payments to the FRO, the threat of losing their job or having to close their business might be just the incentive they need to pay up. How many people who are in danger of defaulting do you honestly think will view the potential loss of their life insurance licence, their lottery licence, their pesticides certificate, or whatever, as something they are prepared to countenance in an effort to dodge their payments? How many of these people are so intent on hurting their ex-spouses or children that they would willingly sacrifice their jobs and their primary source of income just to avoid making their support payments?

I would respectfully suggest that this number would be small. Faced with the loss of the credentials they need to hold a job or the licences to operate their business, I would guess that a vast majority of those caught up in this dilemma would choose to pay. If the government is serious about tackling the problem of non-payment of support, why not include all licences, certificates and permits in the legislation? Why just hunting and fishing licences? If the government's not prepared to consider this possibility, then it should immediately amend the legislation to remove hunting and fishing licences from



the mix. Failure to do so sends a message to the outdoor community across Ontario and, indeed, to all residents of Ontario that anglers and hunters are guiltier than other groups or individuals of non-payment of support under the FRO. This is not only wrong, but discriminatory and, in fact, with the suspension of provincial driver licences, a case of double jeopardy.

Unfortunately, if the bill is not amended to address this issue, we will have to work against this piece of legislation that includes some otherwise useful amendments to address a very serious problem in our society. Having said that, I know first-hand that the minister, her staff and ministry staff are looking at a number of ways to strengthen this bill and address problems that became evident during the legislative process.

Madam Chair, members of the committee, the OFAH looks forward to working with the minister and yourselves to resolve our difficulty with this piece of legislation. I thank you again for allowing me to appear before you here today.

**The Chair:** Thank you very much. You've left about two minutes for each party to ask questions, beginning with Mr. Prue.

**Mr. Prue:** You were in the room and you heard the questions about people getting an alternative licence. I mean, you can go out salmon fishing, and they have one on the boat. You can go to Canadian Tire on your way to—I don't know—Bancroft, and you can just buy one in the store. How realistic do you think this is going to be when one can obtain an alternative licence in a matter of seconds?

**Mr. Farrant:** I think you raise a very salient point. If somebody is determined not to pay their support payments, and as a consequence—if this stays in the legislation—their licence to hunt and fish is suspended, you're quite correct. They can go to any one of thousands of outlets across this province—local tackle shops or wherever it may be—and take out a licence immediately to allow them to do so.

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**Mr. Prue:** I've never seen anyone even have to show ID to buy one of those licences. You just fill it in and hand it across to the clerk. You give them a couple of bucks, and they hand you one back.

**Mr. Farrant:** That's correct, in many cases, yes.

**Mr. Prue:** Even the fishing licence doesn't have a picture on it.

**Mr. Farrant:** No, it doesn't.

**Mr. Prue:** It just says "Michael Prue" on mine. I don't think it says anything else.

**Mr. Farrant:** That's correct.

**Mr. Prue:** You're with anglers and hunters. How realistic is it that a game warden—I don't whether they still call them that or if it's somebody from MNR—

**Mr. Farrant:** Conservation officer.

**Mr. Prue:** Yes. How realistic is it that a conservation officer will have satellite tracking or he'll phone and say, "I'm out here on a lake. I've just found a Michael Prue who has a licence. That's all he has on him is a licence he

bought at Canadian Tire. Can you tell me whether his licence is under suspension?"

**Mr. Farrant:** Well, I know that you—

**Mr. Prue:** I'm sorry; I just think this is so ridiculous.

**Mr. Farrant:** I know that in addition to yourself, the member from Oshawa and the member Renfrew-Nipissing-Pembroke have also talked about this issue in the House. The minister's office would have you believe that most COs in the field today have the capability to easily obtain this information. Whether that's accurate or not, I don't know. That's really something that MNR should probably be answering. I will say this to you, though: With the declining number of COs in the field across Ontario, the chances of anybody being stopped is pretty remote in the extreme anyway. So the fact that you'd be stopped and found in suspension is probably even more remote.

**The Chair:** Thank you. Ms. Matthews?

**Ms. Deborah Matthews (London North Centre):** Welcome. I appreciate your submission, and I very much appreciate the support you give for the idea that people should be responsible for their families. I'm glad you framed your submission that way.

There are a couple of points I want to make just to respond. Obviously, the hunting and fishing licence provision is in bill because it's a lever we have, and we want to use the levers we have to ensure that people do live up to their responsibilities. I appreciate the list you provided of perhaps more levers that we could use as a government; we don't want to close the door to any other levers. We want people to pay up, and you never know what's going to work for an individual. You heard that we are working with MNR on the actual implementation of how we're going to do it. That's yet to be determined, but there are some levers we do have there.

I just want to briefly comment on the notion that you think we've somehow singled out anglers and hunters because we think they're more likely to be defaulting payers. That's simply not the case. Actually, a reading of the bill would show that. We talk about reporting to professional organizations like doctors, like lawyers, like other organizations. Certainly, we know that the people who don't pay cover the full spectrum of society.

**Mr. Farrant:** With all due respect to that, we've heard witnesses testifying here earlier today suggest that the reporting to professional societies, like the College of Physicians and Surgeons or the Law Society of Upper Canada, is simply that: It's reporting. It is not seeking suspension of their licences, which indeed is what the bill speaks to in terms of anglers and hunters. So there's a difference there between reporting to a society—whether it's an embarrassment factor or whatever—but non-suspension of their licences is not the same thing.

**Mr. Ouellette:** Do you know of any other jurisdictions that implement this?

**Mr. Farrant:** How many?

**Mr. Ouellette:** Do you know if there are any other jurisdictions?

**Mr. Farrant:** No, I'm not aware of any, but that could be my failing. I wouldn't want to comment for sure.



**Mr. Ouellette:** A standard police officer has the legal ability to enforce the Game and Fish Act. Do you think that they will be asking for outdoor cards and checking on that as well?

**Mr. Farrant:** You're probably more likely to encounter a police officer. Whether or not they're going to make that check—and indeed, are they going to check whether the licence is suspended, particularly for FRO offences?—I don't know, unless, obviously, there are instructions given to them.

**Mr. Ouellette:** Right. You've specifically stated that you're more likely to have a police officer check those records. How do you think the police officer is going to be able to check on the computer system when they are not a conservation officer and don't have the satellite hookup?

**Mr. Farrant:** Obviously the ministries would have to work together to ensure that law enforcement officers across this province would have the ability to tap into the same system the FRO is suggesting COs will have.

**Mr. Ouellette:** Which is not listed. One quick question, because I know my colleague—actually, it's a complex one. According to the Game and Fish Act, for anything that takes place in contradiction to the act, all those fines go directly into the SPA. Do you feel any fines levied as a result of this should then reflect that and go back into the SPA or should go back into the FRO? It's not addressed in the legislation.

**Mr. Farrant:** That's a good question. I don't have a simple answer because that is a very complex question. Quite often you see these things disappear into general revenue, and I'd hate to see that happen, but it does need to be addressed in terms of where the money from the fines is going to go.

**The Chair:** You have about 15 seconds, Mr. Yakabuski, so if it's a yes or no—

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** Fifteen seconds? It won't take long.

As the government was planning the amendments to the FRO with Bill 155 and contemplating the fishing and hunting licence scenario, did they consult with you, and if so, did you make the views of your group, the Ontario Federation of Anglers and Hunters, known at that time?

**Mr. Farrant:** In the interests of brevity, no. They did not consult with us, so, no, we were not able to make our views clear.

**Mr. Yakabuski:** Thank you.

**The Chair:** Thank you for your brevity. We appreciate your being here.

**Mr. Farrant:** Thank you. I appreciate it very much.

#### NANCY TALLEVI

**The Chair:** Our next delegation is Nancy Tallevi. Welcome. Is this your handout?

**Ms. Nancy Tallevi:** Yes, I gave it to the clerk.

**The Chair:** Before you begin, perhaps you could say your name for Hansard. When you begin, I'll begin timing you. You have 15 minutes. Should you use all the

time, there won't be any opportunity to ask questions or make comments, but if you leave time, we'll have a chance to chat.

**Ms. Tallevi:** Nancy Tallevi. I've been a participant in the family support plan for over 14 years. I truly welcome the opportunity to speak today with regard to Bill 155.

In order to illustrate the epitome of a deadbeat parent—I don't apologize for using that term. My family happens to fall in that small percentage we heard about earlier, in terms of those dealing with a parent who truly does not want to pay. I offer up the example of my ex-husband, Rick Tallevi. In the past 14 years, he has never even once provided FRO with personal contact and employer information. He has been a defaulter for periods of multiple years, several times. He has quit several well-paying jobs each time he was finally tracked down, making him eligible for unlimited legal aid. That enabled him to wipe out all his arrears several times and have his support order reduced by half.

He has repeatedly and successfully avoided his creditors. When they could not locate him, they came after me for payment of old jointly held debts, even though the divorce judgment had made him responsible for those debts. The banks simply don't care. If there are two names and they can find one of you, that's who will pay.

The one and only time his arrears were actually paid off was when he moved to sell the house he and his second wife won in the Princess Margaret lottery, and the lien had to be paid in order to complete the sale. That was over six years ago and he hasn't been heard from since.

His arrears currently stand at \$16,920.17, before eligible interest is applied, even though his \$450-a-month obligation is well below the provincial guidelines and a tax write-off for him. FRO has issued two garnishments through WSIB and CPP, which generates just \$250 monthly, before taxes.

Ten of the 11 currently available enforcement actions were taken on my file five years ago, including driver's licence suspension. FRO has taken no new enforcement action on my file since. The sole remaining enforcement action would be a default hearing. But FRO staff has told me that a defaulter must be served notice of a default hearing, and because they can't find my ex-husband, they can't serve such notice; therefore, they cannot pursue a default hearing. FRO staff has told me as recently as this past Friday, "There is nothing more that can be done."

On February 6, 2004, this government stated they will "beginning immediately, make the enforcement of support orders a priority and track down more deadbeat parents," and that "FRO has created a special trace-and-locate unit to focus on tracking down deadbeat parents." Fifteen months later, however, the deadbeat parent of my child remains totally unaffected by this tough talk and arrears continue to accumulate.

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Furthermore, when introducing second reading of Bill 155 last month, and earlier in her statement today, the



Minister of Community and Social Services made it perfectly clear that she has no intention of actually implementing the toughest enforcement measure included in this bill, namely, the posting of information on the Internet. This is completely, totally unacceptable. If the government passes legislation, it must have every intention of enforcing it. If you say that you're going to do it, that you're going to make it a priority to track down deadbeats, the public will expect you to do just that, and to use every possible means at your disposal in doing so. When you use the word "immediately," they expect you to start right away. Anything less is, quite simply, political grandstanding.

Undoubtedly, existing legislation fails to hold to account deadbeats who will quit their jobs and do anything else they can possibly think of to avoid having to pay child support. The truth is that when it comes to beating the system, such deadbeat parents are much smarter than any of us in this room today or anyone who wrote the legislation that's being considered today.

Although the new legislation does provide for some improvements, it fails to go far enough to catch the worst offenders. So I propose the following amendments:

**Disclosure of bank account and personal contact information:** The FRO must be able to secure bank account information from all possible sources. Freedom of information and protection of privacy legislation currently impedes such disclosure.

Federal and provincial governments make CPP, GST rebate, unemployment, income tax rebate and like payments by direct deposit and mail. Information regarding bank accounts these monies are deposited to and/or addresses that cheques are being sent to could be used to quickly track down deadbeats and defaulters. In my personal case, half a monthly CPP pension and a WSIB pension are garnished. As the other halves are paid to my ex-husband, obviously the federal government and WSIB know where they're sending the money. Yet incredibly enough, this information is not available to the FRO. This has to be rectified immediately.

It should also be possible to require that last known employers disclose direct deposit payroll and any contact information they have on record for defaulters. The list in section 54 of Bill 155 of those who must provide the FRO with information must also be expanded to include any organization that receives public funding, and also financial institutions. In some instances, a payee may know a bank branch where a defaulter has an account but doesn't have that account number. The financial institution should be required to provide the information on that bank account. I have provided in the handout some suggested wording that would provide for such disclosure as I've just referred to.

**Establishment of a special investigations unit:** This unit needs to be adequately staffed, including employing professional investigators. Tracking down deadbeats needs to be their only mandate. Files in arrears for a year or more must be their top priority and dealt with in priority order by length of time of the arrears, not the amount owing.

Consideration should also be given to contracting the services of some deadbeat dads who have a long history of beating the system. There is a precedent for doing similar things. Although this is a somewhat unorthodox idea, these individuals could provide invaluable information on how to track other deadbeat parents. It would also provide a few of them with income that could be applied to the arrears they owe. In addition, when hiring the FRO staff, priority should be given to FRO clients, as many of them have experience with the FRO and Family Court issues that would improve client services. I don't say that looking for a job. I actually have one.

**Default hearings:** A defaulter must be served written notice of a default hearing. If the FRO can't serve notice because they don't know where the person is, the hearing won't take place or be pursued. While Bill 155 proposes to increase jail time for defaulters, if the FRO can't find the person, there's no default hearing and therefore no real threat of jail time. The FRO participants must provide updated contact information, but by ignoring this requirement, deadbeats are able to escape enforcement action. So the system actually rewards deadbeat parents. The legislation needs to be changed so that notice sent to the last address provided by the defaulter is deemed sufficient for the default hearing to take place, whether the defaulter is there or not.

**Posting of information on the Internet and in print media:** Section 16.1 of Bill 155 provides for posting of information about deadbeat parents on the Internet, yet the minister has stated very clearly that she has no intention of actually enforcing this provision. I again emphasize that this mindset is absolutely unacceptable and contrary to the government's stated commitment to track down more deadbeats. It is my contention that if this minister is not willing to go ahead with this, then she ought to step aside and someone else should take her place to go forth with that action.

Not only must this particular enforcement measure be undertaken immediately in cases where arrears have accrued for an extended period and the defaulter has not been located, but section 16.1 needs to be further strengthened to provide for publication of information on deadbeats in major newspapers. Immediately following royal assent, I propose that prominent full-page ads be taken out monthly in all Ontario newspapers and quarterly in all Canadian newspapers, identifying defaulter names, last known city of residency and length of default. The same information would be posted on the Internet and updated monthly to add/remove names as appropriate.

Effective January 1, 2006, photographs of defaulters would be posted on the Internet and wording added to the ads to direct readers to a Web site to verify identification of names published in the newspaper. Effective January 1, 2007, photographs of defaulters would be added to the ads themselves. Advertisements and Internet postings would also note that the publication of information would be expanded on the dates I've just referred to. This would provide incentive for defaulters to pay up before having



their photograph publicly exposed in their local paper and on the Internet for all to see.

Calculation of interest: While it is a positive step that Bill 155 would enable FRO to calculate entitled interest on arrears, section 7.1(3)4 provides for calculation of interest from “the day section 2 of the Family Responsibility and Support Arrears Enforcement Amendment Act comes into force.” This clause clearly rewards deadbeat parents for not paying their bills on time. I personally take exception to the possibility that my ex-husband could have years of interest written off when I’ve had to borrow significant amounts of money over the years because he failed to pay his child support, the child support my family was entitled to and needed. At a minimum, if this clause does remain in the bill, FRO should still be able to calculate the interest and the person who ought to have received that interest should be able to write that off as a loss on their income tax.

Declaring unpaid support as a loss: With support orders issued under the old rules, payers write off payments made while recipients declare the payments on their income tax. While both parties can agree to switch to the new rules, which have no tax implications, there is little incentive for deadbeats to actually do this. In cases that fall under the old rules, recipients who do not receive entitled support should have the option of declaring that unpaid support as a loss on their income tax. Amounts declared would be reported to FRO and an equal amount would be deducted from arrears owing. To ensure that this does not serve as a deterrent for people to pay, a substantial administrative penalty payable to FRO could be levied to the defaulter for each year this option is exercised.

In closing, I want to acknowledge that there are a lot of very good parents out there. I happen to have been married twice, the second time to my now late husband, unfortunately, and he was a very good parent. I know a lot of good parents. I’m not suggesting in any way that the parent I’m describing constitutes anything more than a small minority, but we are an important minority. We’re families nonetheless, and we are the families that have gone the longest without payment, whatever those amounts are.

I thank you for agreeing to hear me today and I hope you will give serious consideration to the comments and potential amendments that I’ve put forth.

**The Chair:** Thank you for your thoughtful presentation. You’ve left about a minute and ten seconds for each party, beginning with the government side.

**Ms. Matthews:** I very much appreciate your taking the time to put together this quite comprehensive submission to us. There’s nothing quite like hearing from the very front line when we’re drafting legislation, so I can assure you that all of these will be taken into consideration. I do want to tell you, though, that the bank account information would require a change in federal legislation. I would urge you to work on that next, because that would be very helpful.

**Ms. Tallevi:** I would guess that you know your federal counterparts much better than I would know any of them,

so it is my suggestion that if indeed this government, the provincial government, is serious about this—the federal government could tell you today where this man is, so if you’re serious about it, you ought to be pursuing it with your counterparts.

**Ms. Matthews:** I appreciate your saying that. Trust me, we are absolutely determined to get as many payers paying as we possibly can, and we are using every tool at our disposal.

I want to ask you if you have any thoughts on the concern about the fishing and hunting licences.

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**Ms. Tallevi:** Those people aren’t going out to get a licence. I think somebody did say it in the House; it might have been the NDP. They’re not concerned about following the rules of too many things. It’s of no use to my family; I can tell you that.

**Ms. Matthews:** Thank you very much for your presentation. I appreciate it.

**Mr. Ouellette:** I very much appreciate hearing your presentation; it was very well thought out. Unfortunately, you had to live through the situation that brings you here today.

You mentioned a number of great amendments and ideas. Do you think there should be a recommendation for a “three strikes and you’re out” sort of thing, or would you enact this right away? Is there a sunset clause whereby you’d look at things going forward? You mentioned some of the arrears being reduced by half, nullified and things like that. Do you go back and include that or do you start from here forward? How do you think it should proceed?

**Ms. Tallevi:** I actually did consider putting something in. I suspect you get into a very hazy area as to what is three strikes. In this instance, he was rewarded for quitting his job each time by having access to unlimited legal aid. Because I’ve stayed with the same employer for 21 years, I didn’t qualify for legal aid. I have been forced to spend over \$30,000 in legal fees over the years, only to have all the arrears wiped out. There’s no support coming in, I’m stuck with all the bills, and I put out \$30,000 to get further behind. In some instances, it didn’t make it all the way to court; I ran out of money to pay any further legal bills. I understand what you’re saying, in an ideal world.

**Mr. Ouellette:** I’m sure all the members here see the same problem: The lawyers seem to be the ones who win in a lot of these cases, at the expense of a lot of other people. Hopefully, we’ll be able to move forward with some amendments that will address the concerns you’ve brought forward. Also, the working relationship between not only the feds and Ontario but other provinces as well is necessary to move forward so we’ll be able to address a lot more of these issues. Thanks for your presentation.

**The Chair:** Mr. Prue?

**Mr. Prue:** In this whole period, was your husband ever jailed?

**Ms. Tallevi:** No, because they can’t find him to put him in jail.



**Mr. Prue:** So the only time you ever found him was when he won a house in the lottery.

**Ms. Tallevi:** Actually, he won the house right after he got the support order reduced by half and had his arrears wiped out. Then, a year later, he moved to sell it and, by then, was in arrears again and had to pay. He skipped town or whatever.

**Mr. Prue:** And he has mostly disappeared?

**Ms. Tallevi:** Sure.

**Mr. Prue:** OK. I can understand the frustration.

It was suggested to go to the federal government. I agree with you that that's probably the best place. He probably files income tax; he probably gets some monies back. If he's working, he'd have to file income tax or get some refunds. There are a thousand things that could be done: banks—

**Ms. Tallevi:** This is a payment that he is getting every single month; he's receiving it in a bank account, and it is being deposited there by the federal government each and every month. In addition, he is getting the same type of payment through workers' comp each and every month. It's a lifetime pension. The first one is a widower's pension. Ironically enough, we were both widowed on our second marriage. It's a lifetime pension, and every month that's going out. Unless the federal government is going to claim they don't know where they're sending money to, they know.

**Mr. Prue:** So it would be a whole lot easier to catch him with this than with a fishing licence.

**Ms. Tallevi:** The fishing licence, as I said, will do nothing for my family.

**The Chair:** Thank you very much for being here.

KERRY GEARIN  
DEBBIE THOMPSON

**The Chair:** Our next delegation is Kerry Gearin.

**Ms. Kerry Gearin:** This is Debbie Thompson.

**The Chair:** And Debbie Thompson. Welcome. When you begin, please identify yourselves for the purpose of Hansard. When you do begin, you'll have 15 minutes. Thank you for waiting. We appreciate it.

**Ms. Gearin:** It's interesting to listen to.

I'm Kerry Gearin, and I'm a Toronto lawyer, and this is Debbie Thompson, who assists me. I'll start first, and then we'll take turns speaking about different issues. Both Debbie and I have a lot of involvement in community service over the years and now, so we're grateful to make these submissions. We've seen first-hand the importance of strong family support enforcement and the problems when enforcement is not strong enough or effective.

I think when we look at these amendments, we need to put ourselves in the children's and the parents' or spouses' shoes and ask, "What we would like done if we were in their place?" The parents or spouses I'm speaking about are those who are supposed to be recipients or receiving the money.

There are a couple of compliments we want to make about some of the amendments and a couple of concerns, just to keep it brief. I'll summarize what they are and then discuss them a bit more thoroughly.

The compliments are that we like that now recipients can choose to enforce the support themselves. The prior amendments were problematic, where a recipient had to get permission of the other party or have pre-payment of a few months' worth of support in order to withdraw from FRO. The second part we really like is the ability to add third parties to pay the support orders as well, third parties who are conspiring with the support payer or debtor and evading payment. It's a great amendment.

The two concerns, in a nutshell: First—and it might be a matter of interpretation; it was earlier addressed—is the issue of the director's discretion to enforce a smaller sum of support when one child no longer has an ongoing obligation. We talked about that, and we had interpreted it differently. We weren't thinking it applies strictly to global sum orders; we weren't thinking that at all. If in fact that's all it applies to—that we've got one family and one child no longer is owed support, and the problem is divvying up how much is support for the remaining children who are owed an obligation—then that should be clearly specified. When we read it, we thought it relates to other families, like starting a second family, and if you have an older child you can enforce a lesser amount for them. The way it's worded didn't address the global family support order issue. As a lawyer, that would be very important for me, because I would see it being used as a weapon against the older child whose obligation has ceased but who perhaps has big obligations to pay educational expenses that they may have incurred—or their parent may have done that.

Our second concern that we mention is a recipient parent not being a party and having the automatic right of a party to be notified of all steps, of all hearings, and to have a say. If I'm interpreting it correctly, we haven't addressed that issue. That's a big concern.

The first amendment, allowing the recipient parent to enforce their own order, is really good, because this means they can now take the steps if FRO is not. We've heard here earlier that that's a problem, and that's particularly a problem with deadbeat parents who switch jobs or are self-employed and do not provide financial disclosure. We like that now the recipients can take the steps.

Deb will address the proposed amendment to add third parties.

**Ms. Debbie Thompson:** Together we have found that it's an excellent change in subsection 41(5), adding a party at a default hearing. The amendment that authorizes the court to add a third party for the purpose of paying the support due is excellent. Most times, we have found in the work we do that someone will inadvertently try and have the money hidden somewhere else; ultimately, they end up hiding the money through another source. This ends up frustrating the ability to make payments, and another person ends up having it in their name. The



payer still has access to the money; however, unfortunately, it's not something that can be easily tracked.

1730

This amendment is good because it goes a long way to holding conspirators accountable for their actions that harm the family of the custodial parent and the children. This remedy will be more useful if it is applied by the creditor or the recipient parents, who often have a lot of direct knowledge of how third parties are conspiring to frustrate the support orders. While the recipient parent would often know of all the dealings and where certain money is placed—stocks or RRSPs etc.—FRO would not know. Therefore, it would be nice if they would take the information given by the recipient parent to assist in this process.

There are a lot of self-employed payers that the FRO does not take the time or have the time to pursue. They are getting away with not paying, and this amendment tells third parties, "If you conspire to help the payer avoid their obligation, you might end up paying what is ordered," and this is a good thing.

A few portions of the act are a concern, because we see them as opportunities for payers or non-payers to avoid the responsibility. Kerry?

**Ms. Gearin:** We're looking at subsection 8.2(1), where it gives the director the discretion to enforce a lesser amount under certain circumstances. We had read it to mean that if the debtor parent has an ongoing obligation to support another child but has an adult child whose support obligation has ceased, they can lower the amount of enforcement for that adult child or that child who's no longer entitled.

I don't want the director to have this discretion. Actually, I don't want a judge to have this discretion, because I think it really puts the earlier children in the backseat, and I think that's an encouragement to the payer who's not paying to avoid their responsibility.

It's also unfair for the custodial parent who has paid both parts of support by having custody and looking after the children's needs. It's unfair, since they've paid their part and they've paid the other parent's part and may have incurred a debt or forgone financial benefits and financial security, that now they may have to pick up the slack again. This has an impact on the children's and family's emotional and physical health, their ability to be educated, and that's very serious. It's very irresponsible. We don't want to give that away, and certainly not at the discretion of the director.

The director's agents appear overburdened. I mean, I listen in, I eavesdrop on their conversations when I'm at court. I love it. It's fascinating, but who wants their job? You know, they have all these parents who are very concerned and need their money. I could see the temptation to settle early, settle the case easy and take a reduction, on consent.

The second concern, alluded to earlier, was the creditor parent, called the recipient—well, if they are receiving—has no say in enforcement steps taken. I think the wording is a problem too. "Creditor" is really accu-

ate and "debtor" is accurate; "recipient" and "payer" are softer, but they do speak to the issue that the creditor parent doesn't have the same rights as a normal creditor. Visa has more rights, in some ways that are very serious. Often the creditor parent does not get notified to come in and participate in the enforcement proceedings. They simply don't have an option. You can ask, and they'll say no.

They may well have the inside information that Deb was referring to earlier to counter the payer, who may lie to court about their ability to pay. They may have the information about where assets and income are, and FRO can either misplace it or choose to ignore it and not act on it. I've seen this happen a lot. It's very concerning. We've given information to FRO about where RRSPs are, huge lump sums of money being held in trust, bank accounts, and they ignore it. They tell me they're just not going to do it, and there's nothing we can do.

So we need the parent to have the automatic right to participate either in person or by affidavit. That way, the judge will have the best information before them to make their decision.

In sum, those are just a couple of examples of some positives that we really are grateful for, and a couple of problems. Did anybody have some questions?

**Ms. Thompson:** Actually, I have just another point to offer. In regard to section 41, the default hearings and the power of the court, I was very pleased to find that recipients can pursue the court to enforce payment. Many times, it is extremely difficult to get the Family Responsibility Office to enforce action when the payer is in default and they cannot find the person. This amendment allows the recipients to act, although at the cost of having to bring them back to court. As a recipient whose payer's default now exceeds \$70,000, it is very empowering to know that I can in fact take him to court, as outlined in what power the court has. However, it would be ideal if the Family Responsibility Office could perhaps practise some of the power that they have regarding defaults.

**The Chair:** You've left about a minute and a half, beginning with Mr. Ouellette.

**Mr. Ouellette:** Thanks very much for your presentation. It's nice to have the perspective of individuals who deal with this in the courts.

Are you familiar with the BC or the New Zealand examples and how they do enforcements there?

**Ms. Gearin:** No.

**Mr. Ouellette:** That's OK. Do you think that the current judges are going to be able to enforce or have enough training to understand how to implement this legislation and all these changes?

**Ms. Gearin:** I have a lot of confidence in our judges, frankly. Some of these amendments—we have cases before the courts right now, and they're dealing with it.

When I heard some questions about how to find banking and other information, there are ways, but it's not coordinated.

**Mr. Ouellette:** Being from Oshawa, we have a number of cases—as I'm sure all members do—where in-



comes changes happen on a regular basis. We have huge amounts of overtime one year, and then they'll go to court and get a change based on the abundance of overtime, and all of a sudden this year there's no overtime and a substantial amount of layoffs. What do you think an effective way to account for that would be?

**Ms. Gearin:** I'd put the burden on the lawyers in their drafting, frankly. I grew up in Oshawa, so I know about the GM issues. I'd like to see that. The lawyers aren't drafting it accordingly. When you were describing the scenario, my mind was turning and I was thinking about how I'd draft that order. So it's on the lawyers in that situation, I think,

**Mr. Prue:** I don't think the problem is the courts either, really. I guess in the odd case it may be. The real problem is trying to find some of these deadbeat parents. You heard the woman before—somebody wants to disappear. What should happen in the law to make it easier for the FRO to find those deadbeat parents, and is the reporting of them to professional bodies or the taking away of fishing licences likely to have much impact? You're a practising lawyer.

**Ms. Gearin:** Yes. That's a really good question. I think I'll have to write up some submissions about how to find deadbeat parents, because I'm really good at it and I really enjoy it. It's very enjoyable. There are a lot of ways. We have family law forms that allow us to request information from third parties. For some of them, you have to bring a motion to involve them. Some of them you have to name as a party for the purpose of perhaps naming them as a party in a motion, not necessarily for enforcement—because I don't do enforcement for my clients excepts for cost orders. But I find them. I think we can find them a lot easier than some of them realize. I like the idea, sure, of bringing in some deadbeats and picking their brains. They have great ideas. But there are others out there, private investigators, who also know. Mr. Pankau, I believe, is one of them. I've seen some of his materials. So I think we could write up a training manual on how to find deadbeat parents, and I'd love to help.

In terms of licences, whether it's a fishing licence, which is recreational—and I distinguish from the employment or career licences that were addressed earlier, that beautiful long list of licences that could be suspended. I think it's great. I think we should use every means possible. It's fair. Some statistic was given that 10% of the people may be fishers or hunters. I didn't know it was that high. I'm astounded. That's wonderful. We should also address all the other licences—lawyers or doctors or real estate agents, as was mentioned. If they're deadbeats, if they're not responsible, take something valuable away. I think it's a great idea. Every bit helps.

**Mr. Prue:** That's my time, right?

**The Chair:** Way over your time. But it was a great answer.

Closing with the government side.

**Mr. Jean-Marc Lalonde (Glengarry-Prescott-Russell):** I heard a lot of points there, but I really feel that you should sit down with the FRO people. I don't know how long you've been working as a lawyer to defend those cases. Section 8.1 is very clear. Everything has to go according to the court order. The FRO has no authority to change anything that is appearing in a court order. I've been working on this for the last 10 years, and FRO has no authority. It's very clear in there: "The director shall cease enforcement of a support obligation provided for in a support order or support deduction order filed in the director's office if the support obligation has terminated." Terminated. It's either that the child is in the workforce or has ceased his education. If he's on the labour market, definitely the ex-husband won't pay for it. It's all dependent on the court order. If the court order specified that the ex-husband has to pay up to the age of 25, then that poor lawyer who prepared that court order didn't do his job properly to protect both sides. But it's always the way the court order is done.

You've just said that you enjoy trying to find the deadbeat parents. Well, it is really the recipient's responsibility too, to let the FRO know where that deadbeat parent is. There's no way. We just can't put anybody on the road, trying to find that person who isn't paying. We're doing that regularly at our offices, and when I say to that person: "Can you tell us where your ex-husband is working?" "Well, I prefer you find out because I wouldn't like him to know that I'm telling you where he's working." We hear that steadily.

**Ms. Gearin:** I bet you do.

**The Chair:** Mr. Lalonde—

**Mr. Lalonde:** So the court order is really the issue that you have to work with, and that is very clear. If you were talking about fishing and hunting licences, that would be different—

**Ms. Gearin:** I was talking about something different.

**The Chair:** Thank you very much for your presentation. That was a very interesting statement that you made, both of you.

I'd like to thank all of our witnesses today, committee and ministry staff, for their participation in the hearings. I'd like to remind all members that amendments to Bill 155 should be filed with the clerk of the committee at 12 noon on Friday, May 13. The committee stands adjourned until 3:30 on Monday, May 16.

*The committee adjourned at 1742.*



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(Hansard)**

**Monday 16 May 2005**

**Journal  
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(Hansard)**

**Lundi 16 mai 2005**

**Standing committee on  
general government**

Family Responsibility and  
Support Arrears Enforcement  
Amendment Act, 2005

**Comité permanent des  
affaires gouvernementales**

Loi de 2005 modifiant la Loi  
sur les obligations familiales  
et l'exécution des arriérés  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GENERAL GOVERNMENTCOMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES

Monday 16 May 2005

Lundi 16 mai 2005

*The committee met at 1543 in room 151.*FAMILY RESPONSIBILITY AND  
SUPPORT ARREARS ENFORCEMENT  
AMENDMENT ACT, 2005LOI DE 2005 MODIFIANT LA LOI  
SUR LES OBLIGATIONS FAMILIALES  
ET L'EXÉCUTION DES ARRIÉRÉS  
D'ALIMENTS

Consideration of Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Act, 1996 and to make consequential amendments to the Fish and Wildlife Conservation Act, 1997 / Projet de loi 155, Loi modifiant la Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments et apportant des modifications corrélatives à la Loi de 1997 sur la protection du poisson et de la faune.

**The Chair (Mrs. Linda Jeffrey):** Good afternoon. We meet this afternoon for the purpose of clause-by-clause consideration of Bill 155. We will now commence clause-by-clause consideration of the bill.

Are there any comments or questions on section 1 of the bill? Shall section 1 carry? All those in favour? All those opposed? That's carried.

Section 2, Ms. Matthews.

**Ms. Deborah Matthews (London North Centre):** I move that section 7.1 of the Family Responsibility and Support Arrears Enforcement Act, 1996, as set out in section 2 of the bill, be amended by adding the following subsection:

"Non-application of Courts of Justice Act, s. 129

"(5) Section 129 of the Courts of Justice Act does not apply to interest calculated by the director under clause (2)(a)."

**The Chair:** Any comments or questions? Seeing none, shall the amendment carry?

**Ms. Matthews:** Could I have a recorded vote?

**Ayes**

Dhillon, Duguid, Matthews, Ouellette, Rinaldi.

**The Chair:** The amendment is carried.

Shall section 2, as amended, carry?

**Ms. Matthews:** Recorded vote, please.

**The Chair:** A recorded vote has been requested.

**Ayes**

Dhillon, Duguid, Matthews, Ouellette, Rinaldi.

**The Chair:** That's carried.

Section 3, Ms. Matthews.

**Ms. Matthews:** I move that paragraphs 2 and 3 of subsection 8.2(2) of the Family Responsibility and Support Arrears Enforcement Act, 1996, as set out in section 3 of the bill, be struck out and the following substituted:

"2. It has been agreed under clause 8(4)(a) that the support obligation under the order has terminated with respect to a child.

"3. The support obligation under the order still continues with respect to another child."

**The Chair:** Any comments or questions? Shall the amendment carry? All those in favour?

**Ms. Matthews:** A recorded vote, please.

**The Chair:** A recorded vote has been requested.

**Ayes**

Dhillon, Duguid, Matthews, Ouellette, Prue, Rinaldi.

**The Chair:** That's carried. Shall section 3, as amended, carry? All those in favour? All those opposed? That's carried.

Shall section 4 carry? All those in favour? All those opposed? That's carried.

Shall section 5 carry? All those in favour? All those opposed? That's carried.

Shall section 6 carry? All those in favour? All those opposed? That's carried.

Shall section 7 carry? All those in favour? All those opposed? That's carried.

Section 8, Ms. Matthews.

**Ms. Matthews:** I move that section 19 of the Family Responsibility and Support Arrears Enforcement Act, 1996, as set out in section 8 of the bill, be struck out and the following substituted:

"Updating contact information

"19(1) A payor or recipient under a support order or support deduction order that is filed in the director's office shall, within 10 days after any change in information listed in subsection (2), advise the director of the details.

"Same

"(2) Subsection (1) applies with respect to,



“(a) the payor’s or recipient’s home address, and the mailing address if different from the home address;

“(b) all telephone numbers of the payor or recipient; and

“(c) other contact information, such as the payor’s or recipient’s work address, fax number or e-mail address, if the payor or recipient has previously provided that contact information to the director.”

**The Chair:** Any comments or questions on the amendment?

**Mr. Jerry J. Ouellette (Oshawa):** How does this pertain to the Fish and Wildlife Conservation Act, as relates to licensing and the changes of requirements to notify the Ministry of Natural Resources for that particular change as well?

**Ms. Matthews:** I think it has no reference to that at all.

**The Chair:** Shall the amendment carry? All those in favour?

**Ms. Matthews:** Recorded vote, please.

**The Chair:** A recorded vote has been requested.

### Ayes

Dhillon, Duguid, Matthews, Ouellette, Prue, Rinaldi.

**The Chair:** That’s carried.

Shall section 8, as amended, carry?

**Mr. Ouellette:** I think there’s another motion.

**The Chair:** No. Shall section 8, as amended, carry? All those in favour? All those opposed? That’s carried.

Shall section 9 carry? All those in favour? All those opposed? That’s carried.

Shall section 10 carry? Did you want to speak?

**Mr. Ouellette:** I was just going to say, 10 through to 21.

**The Chair:** OK, thank you. Any comments on 10 through 21? All those in favour? All those opposed? That’s carried.

Section 22.

**Mr. Ouellette:** I move that part V.1 of the Family Responsibility and Support Arrears Enforcement Act, 1996, as set out in section 22 of the bill, be amended by adding the following section:

“Restriction on proclamation

“39.5 No proclamation shall be issued under section 42 of the Family Responsibility and Support Arrears Enforcement Amendment Act, 2005 with respect to section 22 of that act unless, in the opinion of the Minister of Natural Resources, adequate funding has been made available with respect to the enforcement work required in connection with section 78.1 of the Fish and Wildlife Conservation Act, 1997 for the following purposes:

“1. Hiring, training and supporting a sufficient number of additional conservation officers and police officers.

“2. Providing appropriate communications and information technology linkages among the ministries and agencies involved and outside licence issuers.”

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**The Chair:** Did you want to describe your amendment?

**Mr. Ouellette:** This is just trying to design it to ensure that there’s enough funding to make sure that the training is there so the officers know that they’re dealing with the fish and game act. Not only that, police officers are required to understand how it applies to the fish and game act as well, so we have to make sure there’s enough training there. As well, we have to ensure that there’s enough communication for the linkages between the ministries, whether it’s the Ministry of Natural Resources, the Family Responsibility Office, or other ministries pertaining to this issue.

**The Chair:** Any other comments or questions?

**Mr. Michael Prue (Beaches–East York):** If there is a glaring omission in this bill, it’s this one. You cannot attempt to try to enforce these provisions, when licences are so readily available in every Canadian Tire store and every sport shop in northern Ontario without identification, without rearming the police and wildlife officers; it just cannot be done. If this is to have any effect when it comes to losing one’s fishing licence, this amendment is essential.

**Ms. Matthews:** As we who have sat on this committee and sat in the Legislature all know, this is one of those contentious parts of the bill. It’s our opinion that this provision is, for some people, a helpful component of our attempt to make sure that families and children get the support to which they are entitled by law. This is one tool.

This particular amendment is inappropriate. It doesn’t belong in the legislation.

We are currently negotiating with MNR; we’re talking to them. We’re trying to figure out exactly how we can implement this particular provision. The outdoor card is issued every three years, so that’s an opportunity. There are other opportunities to make this provision have teeth, and we are in the process of discovering what those are. When the regulations are written, they will be included.

**Mr. Ouellette:** As the parliamentary assistant mentioned, they’re negotiating on how we are going to implement this particular legislation. What this does is add that component to make sure it’s there.

As opposition and third party members, we have limited ability to ensure, whether through regulation or through legislation, that it’s in there. We’re trying to move forward in a fashion that I think would give the government the ability to ensure that those negotiations and the funds required and the ability to carry this out will be a big asset.

**Ms. Matthews:** As I said, we are currently working out how we can appropriately enforce this provision with MNR. They’ve been very co-operative. They have ideas; we’re working with them. So we want this to stay, and we want it to stay as it is.

**Mr. Ouellette:** Do you think that it’s prudent to move forward on passing the bill without having those details



worked out so that we can ensure that it is going to work functionally?

**Ms. Matthews:** Absolutely, because this legislation puts in place the framework so we can move forward in developing those regulations.

**The Chair:** Any further comments or questions? Seeing none, all those in favour of the amendment?

**Mr. Prue:** Recorded vote.

**The Chair:** A recorded vote has been requested.

### Ayes

Ouellette, Prue.

### Nays

Dhillon, Duguid, Matthews, Rinaldi.

**The Chair:** That amendment is lost.

Shall section 22 carry? All those in favour? All those opposed? That's carried.

Shall sections 23 through 31 carry? All those in favour? All those opposed? That's carried.

The next motion, Ms. Matthews?

**Ms. Matthews:** I move that section 54 of the Family Responsibility and Support Arrears Enforcement Act, 1996, as set out in section 32 of the bill, be struck out and the following substituted:

"Director's access to information

"Definitions

"54(1) In this section,

"'enforcement-related information' means information that indicates any of the following about a payor:

"1. employer or place of employment,

"2. wages, salary or other income,

"3. assets or liabilities,

"4. home, work or mailing address, or location,

"5. telephone number, fax number or e-mail address; ('renseignements liés à l'exécution')

"'recipient information' means information that indicates any of the following about a recipient:

"1. home, work or mailing address, or location,

"2. telephone number, fax number or e-mail address. ('renseignements sur le bénéficiaire')

"Power of director

"(2) The director may, for the purpose of enforcing a support order or support deduction order filed in the director's office or for the purpose of assisting an office or person in another jurisdiction performing similar functions to those performed by the director,

"(a) demand enforcement-related information or recipient information from any person, public body or other entity from a record in the possession or control of the person, public body or other entity;

"(b) subject to subsections (4) and (5), have access to all records that may contain enforcement-related information or recipient information and that are in the possession or control of any ministry, agency, board or com-

mission of the government of Ontario in order to search for and obtain the information from the records;

"(c) subject to subsections (4) and (5), enter into an agreement with any person, public body or other entity, including the government of Canada, a crown corporation, the government of another province or territory or any agency, board or commission of such government, to permit the director to have access to records in the possession or control of the person, public body or other entity that may contain enforcement-related information or recipient information, in order to search for and obtain the information from the records; and

"(d) disclose information obtained under clause (a), (b) or (c) to a person performing similar functions to those of the director in another jurisdiction.

"10-day period for response

"(3) When the director demands information under clause (2)(a), the person, public body or other entity shall provide the information within 10 days after being served with the demand.

"Access to part of record

"(4) Where the record referred to in clause (2)(b) or (c) is part of a larger record, the director,

"(a) may have access to the part of the record that may contain enforcement-related information or recipient information; and

"(b) may have incidental access to any other information contained in that part of the record, but may not use or disclose that other information.

"Restriction on access to health information

"(5) Despite subsection (4), if a record described in clause (2)(b) or (c) contains health information, as defined in the regulations, the director shall not have access to the health information but shall have access only to the part of the record that may contain enforcement-related information or recipient information.

"Information confidential

"(6) Information obtained under subsection (2) shall not be disclosed except,

"(a) to the extent necessary for the enforcement of the support order or support deduction order;

"(b) as provided in clause (2)(d); or

"(c) to a police officer who needs the information for a criminal investigation that is likely to assist the enforcement of the support order or support deduction order.

"Court order for access to information

"(7) A court may, on motion, make an order requiring any person, public body or other entity to provide the court or the person whom the court names with any enforcement-related information or recipient information that is shown on a record in the possession or control of the person, public body or other entity if it appears that,

"(a) the director has been refused information after making a demand under clause (2)(a);

"(b) the director has been refused access to a record under clause (2)(b); or

"(c) a person needs an order under this subsection for the enforcement of a support order that is not filed in the director's office.



"Court order re agreement

"(8) A court may, on motion, make an order requesting any person, public body or other entity to enter into an agreement described in clause (2)(c) with the director if it appears that the person, public body or other entity has unreasonably refused to enter into such an agreement.

"Costs

"(9) If the director obtains an order under clause (7)(a) or (b) or under subsection (8), the court shall award the costs of the motion to the director.

"Information confidential

"(10) Information obtained under an order under clause (7)(c) shall be sealed in the court file and shall not be disclosed except,

"(a) as permitted by the order or a subsequent order;

"(b) to the extent necessary for the enforcement of the support order or support deduction order;

"(c) as provided in clause (2)(d); or

"(d) to a police officer who needs the information for a criminal investigation that is likely to assist the enforcement of the support order or support deduction order.

"Section governs

"(11) This section applies despite any other act or regulation and despite any common law rule of confidentiality."

1600

**The Chair:** Ms. Matthews, can I just confirm a word that you said under "Court order re agreement"?

**Ms. Matthews:** Could you tell me where that is?

**The Chair:** At the bottom of page 4b, number 8. You said, "A court may, on motion, make an order requesting...." Do you mean "requiring"?

**Ms. Matthews:** I do mean "requiring." Thank you, Chair.

**The Chair:** Any comments or questions on this amendment? Seeing none, all those in favour? All those opposed? That's carried.

Shall section 32, as amended, carry? All those in favour? All those opposed? That's carried.

Shall section 33 carry? All those in favour? All those opposed? That's carried.

Section 34.

**Ms. Matthews:** I move that subsection 61(2) of the Family Responsibility and Support Arrears Enforcement Act, 1996, as set out in subsection 34(1) of the bill, be amended by striking out "person, entity, trade union or public body" and substituting "person, public body or other entity."

**The Chair:** Any comments or questions? Seeing none, shall the amendment carry?

**Ms. Matthews:** A recorded vote, please.

**The Chair:** A recorded vote has been requested.

**Ayes**

Dhillon, Duguid, Matthews, Ouellette, Prue, Rinaldi.

**The Chair:** That's carried.

Shall section 34, as amended, carry? All those in favour? All those opposed? That's carried.

Section 35.

**Ms. Matthews:** I move that subsection 61.1(2) of the Family Responsibility and Support Arrears Enforcement Act, 1996, as set out in section 35 of the bill, be struck out and the following substituted:

"Purpose of posting

"(2) The sole purpose of posting information under subsection (1) is to assist the director in locating the payor.

"Confidentiality of information obtained as a result of posting

"(3) Subsection 54(6) applies, with necessary modifications, to any information obtained by the director as a result of the posting."

**The Chair:** Any comments or questions? Seeing none, all those in favour of the amendment?

**Ms. Matthews:** A recorded vote, please.

**The Chair:** A recorded vote has been requested.

**Ayes**

Dhillon, Duguid, Matthews, Ouellette, Prue, Rinaldi.

**The Chair:** That's carried.

Shall section 35, as amended, carry? All those in favour? All those opposed? That's carried.

Ms. Matthews, section 36. Both motions are yours.

**Ms. Matthews:** I move that section 36 of the bill be amended by adding the following subsection:

"(4.1) Clause 63(j) of the act is repealed and the following substituted:

"“(j) prescribing, for the purposes of clause 47.2(e), other information that may be disclosed under section 47 or 47.1.”"

**The Chair:** Comments or questions? Seeing none, all those in favour of the amendment?

**Ms. Matthews:** A recorded vote, please.

**The Chair:** A recorded vote has been requested.

**Ayes**

Dhillon, Duguid, Matthews, Prue, Rinaldi.

**The Chair:** That's carried.

Ms. Matthews, you have the next one.

**Ms. Matthews:** I move that subsection 36(6) of the bill be struck out and the following substituted:

"(6) Clause 63(o) of the act is repealed and the following substituted:

"“(o) defining “health information” for the purposes of subsection 54 (5);"

"(6.1) Section 63 of the act is amended by adding the following clauses:

"“(p.1) governing the delivery of payments to recipients, including requiring recipients to provide the director with the information and authorization required to enable



the director to make direct deposits into the recipients' accounts with financial institutions;

“(p.2) setting out recommended standard terms for support orders.”

**The Chair:** Any comments or questions? Seeing none, all those in favour of the amendment?

**Ms. Matthews:** A recorded vote, please.

**The Chair:** A recorded vote has been requested.

#### Ayes

Dhillon, Duguid, Matthews, Ouellette, Prue, Rinaldi.

**The Chair:** That's carried.

Shall section 36, as amended, carry? All those in favour? That's carried.

Shall sections 37 through 40 carry? All those in favour? All those opposed? That's carried.

Mr. Ouellette.

**Mr. Ouellette:** I move that section 78.1 of the Fish and Wildlife Conservation Act, 1997, as set out in section 41 of the bill, be amended by adding the following subsection:

“Restriction on proclamation

“(6) No proclamation shall be issued under section 42 of the Family Responsibility and Support Arrears Enforcement Amendment Act, 2005 with respect to section 41 of that act unless, in the opinion of the Minister of Natural Resources, adequate funding has been made available with respect to the enforcement work required in connection with section 78.1 of the Fish and Wildlife Conservation Act, 1997 for the following purposes:

“1. Hiring, training and supporting a sufficient number of additional conservation officers and police officers.

“2. Providing appropriate communications and information technology linkages among the ministries and agencies involved and outside licence issuers.”

**The Chair:** Mr Ouellette, did you want to discuss your amendment?

**Mr. Ouellette:** Essentially, this is the same argument that we had earlier on. I think it's going to be defeated. However, we emphasize the fact that we gave, in the opinion of the Minister of Natural Resources, the ability to determine whether there are enough individuals; we tried to ensure there was enough flexibility, to make sure that it was there. The emphasis here was to make sure there were sufficient funds and technologies available to make it happen. That's all we've tried to do with these amendments.

**Ms. Matthews:** I appreciate that, but our earlier arguments hold. This one, I think, will not proceed unless we know that the job can be done properly.

**The Chair:** Any other comments or questions? Seeing none, all those in favour of the amendment?

**Mr. Ouellette:** Recorded vote.

**The Chair:** A recorded vote has been requested.

#### Ayes

Ouellette, Prue.

#### Nays

Dhillon, Duguid, Matthews, Rinaldi.

**The Chair:** That's lost.

Shall section 41 carry? All those in favour?

**Mr. Ouellette:** Recorded vote.

**The Chair:** A recorded vote has been requested.

#### Ayes

Dhillon, Duguid, Matthews, Rinaldi.

#### Nays

Ouellette, Prue.

**The Chair:** That's carried.

Section 42.

**Ms. Matthews:** I move that subsection 42(2) of the bill be amended by striking out “subsection 36(3)” and substituting “subsections 36(3) and (4.1).”

This is a consequential amendment relating to an earlier amendment.

**The Chair:** Any comments or questions? Seeing none, all those in favour? All those opposed? That's carried.

Shall section 42, as amended, carry? All those in favour? All those opposed? That's carried.

Shall section 43 carry? All those in favour? All those opposed? That's carried.

Shall the title of the bill carry? All those in favour? All those opposed? That's carried.

Shall Bill 155, as amended, carry? All those in favour? That's carried.

Shall I report the bill, as amended, to the House? All those in favour? That's carried.

Thank you. This concludes this committee's consideration of Bill 155. I'd like to thank all my colleagues on the committee for their work on the bill, and the staff present. This committee also thanks ministry staff and members of the public who contributed to the committee's work.

This committee stands adjourned until the call of the Chair.

*The committee adjourned at 1608.*



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First Session, 38<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 38<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 14 September 2005

# Journal des débats (Hansard)

Mercredi 14 septembre 2005

**Standing committee on  
general government**

**Comité permanent des  
affaires gouvernementales**

**Transportation Statute Law  
Amendment Act, 2005**

**Loi de 2005 modifiant des lois  
en ce qui concerne le transport**

Chair: Linda Jeffrey  
Clerk: Tonia Grannum

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GENERAL GOVERNMENTCOMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES

Wednesday 14 September 2005

Mercredi 14 septembre 2005

*The committee met at 1000 in room 151.*

## SUBCOMMITTEE REPORT

**The Chair (Mrs. Linda Jeffrey):** Good morning. The standing committee on general government is called to order. We're here today for the purpose of commencing public hearings on Bill 169, An Act to amend the Highway Traffic Act and to amend and repeal various other statutes in respect of transportation-related matters.

The first item of business on our agenda is the report of the subcommittee on committee business. May I ask that someone move the report of the subcommittee and read it into the record?

**Mr. Lou Rinaldi (Northumberland):** I'll so move.

Your subcommittee met on Tuesday, July 12, 2005, to consider the method of proceeding on Bill 169, An Act to amend the Highway Traffic Act and to amend and repeal various other statutes in respect of transportation-related matters, and recommends the following:

(1) That the committee meet for the purpose of public hearings on Bill 169 on September 14 and 15, 2005, in Toronto at Queen's Park.

(2) That the committee meet from 10 a.m. to 4 p.m., subject to change and witness demand.

(3) That an advertisement be placed in all English dailies and one French daily for one day, August 30, 2005, and that an advertisement also be placed on the OntParl channel and the Legislative Assembly Web site.

(4) That the deadline for those who wish to make oral presentations on Bill 169 be 3 p.m. on September 8, 2005.

(5) That the clerk provide the subcommittee members with a list of those who have requested to appear on an ongoing basis.

(6) That all organizations be offered 15 minutes in which to make their presentations and individuals be offered 10 minutes in which to make their presentations.

(7) That the clerk, in consultation with the Chair, be authorized to schedule all witnesses.

(8) That the Minister of Transportation be invited to make a 20-minute presentation before the committee on September 14, 2005, followed by a five-minute question/comment period from each of the opposition critics, followed by a 20-minute technical briefing by ministry staff, followed by a further five-minute question/comment period from each of the opposition critics.

(9) That the deadline for written submissions on Bill 169 be 5 p.m. on September 15, 2005.

(10) That, in order to facilitate the committee's work during clause-by-clause consideration of the bill, when time permits, proposed amendments shall be filed with the clerk of the committee by 2 p.m. on September 21, 2005.

(11) That the committee meet for the purpose of clause-by-clause consideration of Bill 169 on September 28, 2005, in Toronto at Queen's Park.

(12) That the research officer provide the committee with background information on Bill 169 prior to the start of public hearings, and that the research officer also provide the committee with a summary of witness presentations prior to clause-by-clause consideration of the bill.

(13) That the clerk of the committee, in consultation with the Chair, be authorized, prior to the passage of the report of the subcommittee, to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

That's the report, Madam Chair.

**The Chair:** Thank you, Mr. Rinaldi.

Are there any questions? If none, all in favour? The report of the subcommittee is carried.

TRANSPORTATION STATUTE LAW  
AMENDMENT ACT, 2005LOI DE 2005 MODIFIANT DES LOIS  
EN CE QUI CONCERNE LE TRANSPORT

Consideration of Bill 169, An Act to amend the Highway Traffic Act and to amend and repeal various other statutes in respect of transportation-related matters /  
Projet de loi 169, Loi modifiant le Code de la route et modifiant et abrogeant diverses autres lois à l'égard de questions relatives au transport.

## MINISTRY OF TRANSPORTATION

**The Chair:** Good morning, Minister. Thank you very much for coming. You were asked to come here to make a presentation. You have up to 20 minutes. We are here to listen to your deputation. Thank you for coming.

**Hon. Harinder S. Takhar (Minister of Transportation):** Thank you very much. Good morning, everyone. Let me start by saying that Ontario has the safest roads in



North America, and I'm very proud of that fact. I'm proud of our efforts to make Ontario's roads even safer. Ontario's prosperity depends on a transportation system that is safe, efficient and reliable, and that is why our transit and road safety bill is so important.

Bill 169 includes a series of wide-ranging measures to improve safety, ease congestion, promote public transit and protect consumers. These issues have real meaning for people. My staff and I will be very happy to hear your comments and/or answer questions afterward.

Let me start by saying that it is a simple fact that speed kills. Almost half of all deadly collisions on our roads are tied to speeding or loss of control. Drivers who go 30 kilometres an hour over the speed limit on city streets are nearly six times more likely to kill or seriously injure someone. The risk is greater on our highways. Those who drive 50 kilometres an hour over the limit are nearly 10 times more likely to kill or seriously injure someone.

Bill 169 would increase fines for some of the worst speeders. For example, someone traveling 30 kilometres an hour over the posted limit now faces a maximum fine of \$135. Under the proposed legislation, this would increase to \$210. We are also proposing a court-imposed licence suspension of up to one year for those convicted of repeatedly driving 50 kilometres an hour over the speed limit.

Our transit and road safety bill would double fines for speeding in construction zones when workers are present. For example, anyone caught driving more than 30 kilometres an hour over the posted limit in a construction zone would face a fine of \$420, and drivers who ignore the stop/slow signs held by workers would face fines of up to \$500.

I'm sad to say that children are more than five times more likely than adults to be killed walking or running out on to city streets. That's exactly why we are proposing to increase fines for drivers who fail to stop for pedestrians at crossovers, crosswalks and school crossings. The minimum fine would more than double, from \$60 to \$150.

I have spent a lot of time talking to you about safety. Let me tell you about another priority for our government: congestion. Every year almost \$1.2 trillion worth of goods are carried on Ontario highways. Highway closures can cost up to \$600,000 an hour. Bill 169 would allow police to clear and reopen highways faster after a collision or spill. It would clarify powers, protecting police and the province from liability. Sometimes trucking companies or their insurers insist on bringing in a clean-up crew from hundreds of kilometres away, and this can take hours.

Here is what OPP Sergeant Cam Woolley told the Toronto Sun about Bill 169: "The police have been waiting for this legislation for a long time. It's going to save lives, improve the quality of life and the economy." Those were the exact words of Sergeant Cam Woolley. I couldn't have said it better myself.

One of the best ways to tackle congestion on our highways is to encourage people to carpool or take public

transit. That is why we're calling Bill 169 the transit and road safety bill.

Right now, most cars on the road during rush hour carry only one person: the driver. It is a waste of highway space. I am proud that we are the first government to build high-occupancy vehicle lanes on Ontario highways. We are adding new lanes to sections of Highways 403 and 404 and we're proposing to limit them to transit vehicles or cars with two or more people. By the end of the first year, as many as 650 vehicles an hour will use the HOV lanes on Highway 403, and that means shaving up to 11 minutes from the trip. Bill 169 would allow for HOV lanes to be enforced.

#### 1010

Bill 169 would allow transit vehicles across the province to use devices that control stop lights. So-called go boxes are already being used in Toronto. Buses and streetcars save time by making a green light last a little longer or shortening a red light.

This bill would also allow police to ticket motorists who try to use bus bypass shoulders. As the name implies, bus bypass shoulders allow certain local transit vehicles to get by traffic jams.

HOV lanes, bus bypass shoulders and go boxes would give transit riders an advantage and make public transit a better choice.

Speaking of choices, Bill 169 would make good on our government's commitment to give northern Ontario drivers more winter driving options. We are proposing to give northern residents permission to use studded tires.

I have a letter from the Insurance Bureau of Canada, a long-time safety partner, expressing its strong support for another part of the bill, the driver education provision. Bill 169 would give my ministry the authority to ensure full compliance with driver education standards. A letter from the IBC states, "Insurers have been seeking these enforcement measures for some time. We're delighted you've brought forward these essential provisions."

The Certified Transportation Instructor Association agrees. President Keith Black writes, "We feel that professional driving instructors will applaud the government in their efforts to create an environment that will continue to encourage and upgrade safety in the province of Ontario."

Finally, I would like to touch on one more important safety and consumer protection aspect of the bill; that is, taxi scoopers.

Unlicensed operators hang around airports and tourist destinations waiting to take advantage of unsuspecting travellers. One of them tried it on me. Passengers can be hit with fares of \$180 for a trip from an airport to the downtown area. They have been harassed and they have feared for their own safety. It's just not safe.

Taxis or cars operating without the proper licences in Toronto and other municipalities can be sanctioned under this legislation too. I can see and I know that some of those in the industry are here today from Toronto to speak to this very important issue. However, this is not just a Toronto issue. This is a province-wide issue.



The bill takes into account the advice of officials at the Greater Toronto Airports Authority, municipal leaders and law enforcement agencies from a number of communities such as Ottawa and Niagara.

Bill 169 is not about changing the existing municipal licensing regime; it's about going after shady operators who have no licence at all. It is about making sure that when people arrive at an Ontario airport or travel in one of our cities, they get into a safe and licensed cab.

Let me read from a letter I received from the Niagara Regional Police Services Board: "The board is extremely pleased to support your ... bill," and, "The unlicensed taxi issue is a huge problem in Niagara."

The Ottawa Taxi Advisory Committee endorses the intent of the bill. Chair Michael McDermott writes, "Unlicensed taxi operations involve untrained and undocumented drivers, as well as substandard and inadequately insured vehicles."

Bill 169 would make it illegal to carry passengers for compensation without a proper licence or permit. It would allow for charges against the driver, the owner of the vehicle and anyone who arranges the ride. Convictions could mean fines of up to \$20,000.

Bill 169 would protect our visitors. It would protect our children and other pedestrians. It would protect drivers and passengers. It would make public transit a more convenient choice. It would ease congestion. It would help keep our economy moving and our air clean.

I look forward to hearing from all stakeholders today. Among our presenters, we will hear from representatives of the fire marshal's office and the Association of Fire Chiefs. I look forward to hearing their views on access to closed roads for volunteer firefighters attending an incident and other issues. After hearing their presentation and views, I will bring forward a motion to amend Bill 169 to address this important issue.

Madam Chair, I want to thank this committee for allowing me to express my views about this important bill. We would be glad to hear your comments now and answer any questions you may have.

**The Chair:** Thank you, Minister Takhar. We appreciate you being here and presenting. As agreed to by the subcommittee, we have some time allotted for questions from the opposition critics of the committee. It's five minutes for each member of the opposition. Mr. Ouellette, you have five minutes.

**Mr. Jerry J. Ouellette (Oshawa):** Thank you very much for your presentation. A couple of things: First of all, we didn't receive this until just now, but in the technical briefing it specifically states, as you stated, Minister, to "make public transit more attractive." I certainly hope that gas pricing and insurance pricing is not one of the methods of achieving that result.

Some of the things that you mentioned, for example, clearing up spills, as mentioned by Cam Woolley in the process—I'm wondering if you've looked at this process. I've met with police departments who claim that there is a new technology that uses a camera technology, a computerized technology, that will identify one million points

during an accident scene. What takes place, so you understand, Minister, is that an accident will take place on the highway—what we're trying to do is speed up those highways—and then they shut down that area in order to do all the measurements. There is a new camera technology that will identify up to one million points, simply by taking the picture. The difficulty is that, through the court process, it's not being identified as an acceptable process to be used, so they have to use the old technology, by measuring with tape sticks and things like that in order to verify the distance of the skid lines and things like that. Have you looked at that technology to try to help out? They need the training as well as the equipment in order for it to be used by the various forces.

**Hon. Mr. Takhar:** Let me just address the issue of making public transit more accessible first. Our government is the first government that has doubled funding for public transit, and we are very proud of the fact that we are making public transit more accessible, more affordable and a better service for the people so that people can take it. I have the same concerns as the member with regard to the gas prices. In that event, I think making public transit even more affordable and more attractive is one of the things that we want to do.

People will only take public transit if we can make it more attractive and we can improve the service, and our government is very much committed to doing that. We have made huge strides toward it in the last two years. We were in York region, we are working with Ottawa region, we are looking forward to seeing proposals from the Mississauga and Brampton municipalities as well, and we have given \$1 billion to GO Transit and \$1 billion to TTC to make these services more affordable.

Let me talk about the other issue. I think that the suggestion the member made is a good one, but I feel that is only one aspect to doing faster cleanups on our highways. We will look into that suggestion.

1020

**Mr. Ouellette:** Thank you, Minister.

In your statement, page 5, it specifically states, "Bill 169 would make it illegal to carry passengers for compensation without a proper licence or permit." I've had a number of calls from a number of, particularly, private schools. They do individual busing services for the kids to take them to events. How is that going to apply to things such as that? It's not licensed busing that they're providing. Is this going to be one where they're paid only to provide this service or is it something that these schools should be concerned with as well?

**Hon. Mr. Takhar:** The buses that are used to transport kids, already most of these school buses have the licences to do that and they are very legal in whatever they do. I think this legislation only applies to passengers up to 10, and only when people do it for compensation.

**Mr. Ouellette:** I see. So if a private school wants to pay parents for their gas to take the kids to Queen's Park—the main reason they come in, I know they're going to be discussing this now, is the booster seat impact on their schools. If they're compensated for paying for gas



to bring a vanload of kids to Queen's Park to do a tour, would that fall under that category?

**Hon. Mr. Takhar:** My personal feeling is this only applies to the people who actually rely on this as a means of income. Any other services, like transporting kids to Queen's Park or any other place, would not be subject to this legislation.

**The Chair:** You have 30 seconds.

**Mr. Ouellette:** OK. Maybe just a bit of expansion on how the studded tires would work for those individuals from the north who are travelling to the south.

**Hon. Mr. Takhar:** We are allowing studded tires because it is for safety reasons in northern Ontario. We want to make sure that people in very severe conditions can get from one place to another, and they can do so safely. What we are recommending is very low-impact, high-quality studded tires which are being used in the European Community—

**Mr. Ouellette:** What happens when they drive to southern Ontario?

**Hon. Mr. Takhar:** If the tires are on the cars, they should be able to drive into southern Ontario as well. But mostly it is being targeted to northern Ontario.

**Mr. Rosario Marchese (Trinity-Spadina):** Thank you, Minister, for your presentation. Just a couple of things. Gilles Bisson is the critic for your portfolio; I'm a substitute, so I'm not likely to have the expertise that he would have.

Having said that, we support a number of areas that you have presented here in this bill—I suspect that even Raminder Gill would have supported this bill if he were here—including the whole notion of high-occupancy vehicle lanes. This is useful, allowing municipalities to lower the speed limit to 30 kilometres in traffic-calming areas, improving daily commercial vehicle inspection standards by requiring drivers to check over 70 itemized defects daily. The speeding fines that you spoke to, the new police powers to remove and store vehicles involved in highway traffic accidents and so on: These initiatives, I think, are acceptable to us, and we have no problem with that.

I just want to ask you a couple of questions, since you're here and we're asking questions. With respect to achieving safety for pedestrians, higher fines is one of the ways in which you're trying to achieve that. Do you think it's sufficient?

**Hon. Mr. Takhar:** Let me say, I think there have been about 55 to 60 pedestrian accidents every year in Ontario, so we want to make sure that people's lives are saved. One way of doing that is to make sure that our laws get enforced and then it becomes enforceable.

**Mr. Marchese:** I understand that. I was just asking a different question. What level of fine do you think is a deterrent? Do you or your staff have any evidence to speak to that?

**Hon. Mr. Takhar:** I think the fines that we are recommending are being used in other jurisdictions. Those fines are in line with the other jurisdictions and they were effective.

**Mr. Marchese:** Does your staff have any evidence—they're right beside you—to show that these fines that you're proposing work? If you could identify yourself and just tell us.

**Mr. Frank D'Onofrio:** Sure. Frank D'Onofrio, acting deputy minister, Ministry of Transportation.

Part of the proposal that the minister has put forward involves not only increasing modestly the fines for pedestrian-related offences, but also demerit points, ensuring that there's an equal number of demerit points applied, at three, whether you're crossing at a school crossing, whether it's at a pedestrian crossover, or whether it's at a stopping signal. We know that demerit points have an influence on driver behaviour.

**Mr. Marchese:** Frank, do you or the minister have a comment with respect to the issue of enforcement? Obviously, in my time here—as we understand, if people know they're going to get caught, they're likely not to commit the crime. That's the way it works. Not getting caught means you're going to have to enforce it. So the fine in and of itself is insufficient. That's what I'm arguing, because I understand that the fine is good, the demerit points are good, and in and of themselves, you probably argue it should do it to deter people. But it's enforcement that is the key. Do you agree?

**Hon. Mr. Takhar:** I think it's the combination of things. It's the fines, it's the enforcement, but it's also the education of the people. So we need to do all of them, and I think we are committed to doing all of them.

**Mr. Marchese:** OK. With respect to enforcement, you made a promise two years ago to get 1,000 more new policemen and women on the streets. How far are you with that?

**Hon. Mr. Takhar:** We are working very closely with the police forces, and I think we are making quite good progress.

**Mr. Marchese:** How many have we hired since?

**Hon. Mr. Takhar:** I don't have the exact number, because that's not my area.

**Mr. Marchese:** So we're not doing too well in that regard.

**Hon. Mr. Takhar:** No, we're doing pretty well in that regard.

**Mr. Marchese:** We're doing great with the promise; I understand that. I was just thinking, in terms of reality, how far we are with keeping that promise, because that's part of the enforcement, right?

All of your fellow people are very disturbed by my comment. But you agree that—

**Hon. Mr. Takhar:** I think we are absolutely committed to putting 1,000 police officers on the road, and we are working very closely with the municipalities to do it. I have recently seen that the Toronto police force is going ahead with this and the other police forces are going ahead with this, so—

**Mr. Marchese:** I just have another question. Part IV is a serious problem—because I only have a few minutes.

**The Chair:** Mr. Marchese, you have about 40 seconds.

**Mr. Marchese:** Forty seconds.



Part IV is a serious problem to taxi drivers in Toronto. I know you're telling them, "Listen, this is not a problem that we should fix in this bill; this is something else." Section 4 encrusts and entrenches the difficulties Toronto taxis have vis-à-vis going to the airport, and limousines coming to Toronto being able to scoop up people here. They can't scoop there very easily, but limos can scoop here very easily, and there's a good arrangement that makes that happen.

You're telling the taxis, as I understand, behind the scenes, that you're going to fix that possibly or that, through talking, you might be able to solve that. How are you going to deal with this entrenched injustice?

**Hon. Mr. Takhar:** My answer to your question is, first, this is not a Toronto airport issue. This is a province-wide issue, and we are absolutely committed to making scooping illegal in this province. This is hurting our tourism. It's a public safety concern. So this bill is—

**Mr. Marchese:** So we're going to prevent limousines from—

**The Chair:** Mr. Marchese, please, could you stick to the schedule? That was your question. Your time is up. Let the minister answer. Thank you.

**Hon. Mr. Takhar:** —making scooping illegal in this province.

**Mr. Marchese:** When we have time to ask questions, the speaker can go on forever. If I don't intervene to be able to get another question, I can't do it. You understand that.

**The Chair:** Your question filled your time. I gave you a warning. You asked your question. Let the minister answer the question. I'm trying to stay on schedule. Minister?

**Hon. Mr. Takhar:** So from my point of view, Bill 169 is a bill that will move forward to make scooping illegal in this province. When we say it will make scooping illegal, anybody who doesn't have a valid licence shouldn't be able to pick up passengers from where they're supposed to operate. That's the intent of this bill, and we intend to enforce it.

I know the Toronto drivers have some other valid concerns, and we are looking into it and we'll see how we can address some of those issues.

**The Chair:** Thank you very much, Minister. We appreciate you being here today.

We're now at the point in our agenda of the ministry briefing. Is it the existing ministry staff who are at the table who are—is anybody else going to be joining you? No? OK. If for the purposes of Hansard you could both identify yourselves before you begin, and you have up to 20 minutes.

**Mr. Bruce McCuaig:** My name is Bruce McCuaig, and I'm assistant deputy minister with the policy, planning and standards division of the Ministry of Transportation. I'm joined by Frank D'Onofrio, acting deputy minister of the Ministry of Transportation. I'll spend a few minutes talking about the first half of the proposed changes, and then I'll be passing it over to Mr. D'Onofrio to deal with the remainder.

## 1030

As you will see, and as the minister has spoken to, the package includes a variety of measures that are intended to make public transit more attractive by helping to reduce journey times, improving service reliability and improving the commute experience. It delivers on an integrated transit network, and it's also intended to help make our journeys safer.

The bill contains approximately 22 initiatives that are grouped into three categories. I'll deal with the first two. The first category deals with a transit system for the 21st century, and the second category deals with improving the efficiency of our transportation system. The third category, a safer transportation network, will be dealt with by Mr. D'Onofrio.

The first item I'll speak to is permitting traffic signal priority for transit vehicles at signalized intersections. Currently, the TTC is the only transit organization in the province which uses traffic signal pre-emption devices to basically reduce commuting times and keep the system running efficiently. York region, Ottawa, and other transit properties are investigating the use of this technology.

Essentially, what the technology will do is have an on-board device on buses that will shorten the red time for a traffic signal, or lengthen the green time, to allow a transit bus or streetcar to travel through an intersection more quickly. This will be done through regulation. The purpose of this is to promote transit as a faster alternative and to support the government's desire to increase transit ridership.

The second initiative I'll speak to is designating high-occupancy vehicle lanes for vehicles with two or more occupants on 400 series highways. Essentially, what this initiative is intended to do is to increase the capacity of the highways by increasing the number of people who are carried in each and every vehicle. Lanes would be designated along 400 series highways, and these would be available for the use of vehicles with two or more people in the car, as well as transit buses. It would allow us to make better use of planned highway infrastructure. This will promote the idea of carpooling across the system. It will increase the use of transit, reduce gridlock and reduce air pollution.

The third initiative I will quickly speak to is designating bus bypass shoulders to allow buses to bypass areas of high congestion. On many parts of the highway system, if there is a choke point in the system, this provision will allow buses to move on to the paved shoulder to bypass that short area of congestion, and then merge safely back into traffic. We have a pilot that has been using this application on Highway 403 in Mississauga in the past, and the city of Ottawa also has a variety of buses using shoulders on both provincial highways and municipal roads. The shoulders will still be available for use for emergency purposes. The primary function will continue to be for disabled cars to pull off the highway and for enforcement. But where that paved shoulder is free, specially trained and identified bus drivers will have the ability to move off and use that



shoulder and then move back on to the highway in designated locations.

The next initiative I'd like to speak to deals with improving transportation data collection. This is to be done by clarifying the Ministry of Transportation's authority to gather data through outside surveys to support transportation planning activities. We use this information to determine how people are using the transportation system. Then we can use that in our forecasting methodologies to determine what transportation demands would be like in the future, thus making it a more efficient system as we plan for improvements and expansion or new corridors.

This would involve an amendment to the Public Transportation and Highway Improvement Act to clarify the ability of the minister to authorize persons to stop vehicles to conduct roadside surveys in order to collect travel pattern information. I'd like to emphasize that this is not opinion information; this is factual information around where people are coming from, where they're going to and the purpose of their travel. It's voluntary on the part of the individuals who are stopped. We do this in concert with local police services so that we make sure we have a traffic safety plan to ensure there are no concerns about impeding the flow of traffic.

The next initiative I'd like to speak to is facilitating faster incident clearance on highways. As we all know, collisions and other incidents can take several hours to clear and cause long periods of congestion on the roadway. In fact, incidents can actually take up about half of the amount of congestion that we face each and every day on our highways and road systems. What we are proposing is supporting faster incident clearance on highways through amendments to the Highway Traffic Act by clarifying the police powers to remove vehicles and debris from the highway and protecting police in the province from legal liability as they do this. Again, clearing incidents will help us to reduce commute times and keep goods movement flowing.

The last item I'll speak to in this grouping is allowing variable speed limit systems on freeways using specialized, changeable speed signs that are synchronized with real-time information that's captured electronically from the freeway through a variety of different sensing technology. This is used in a variety of jurisdictions around the world. Basically what we will try to do is match speeds with the prevailing road conditions based upon weather conditions, the amount of traffic on it and whether or not there is an incident or event somewhere downstream in the transportation system. We are proposing to pursue trials to test out this kind of system in the province of Ontario to see how it can work in our province to improve the efficiency and effectiveness of the highway system. It would improve road safety by allowing a variable speed limit to match those existing traffic, road and weather conditions.

At that point I'll ask Mr. D'Onofrio to go over the road safety initiatives.

**Mr. D'Onofrio:** Thank you, Bruce.

The first item in the safety aspect relates to authority to pilot test new technologies by establishing specific authority under the Highway Traffic Act for the making of regulations to allow the ministry to conduct pilot tests of new and emerging technologies—for example, vehicle equipment or signage—where such testing would otherwise not be authorized by the Highway Traffic Act. This testing will be limited to the ministry or its agents and conducted under controlled conditions. So really, we're proposing to permit some flexibility for carrying out controlled pilot tests of new and emerging technologies. The legislative authority would be in place to enable the Lieutenant Governor in Council to make regulations for the testing of these new technologies.

The bill also proposes two items specific to truck and bus safety. The first of these is improving daily commercial vehicle inspections conducted by the driver. There is an opportunity here to harmonize legislation and regulations with those of other Canadian jurisdictions and to improve commercial vehicle safety through an improved inspection program. We're proposing to introduce new legislation and to rewrite the existing daily vehicle inspection regulation to incorporate rules and an inspection regime of an amended National Safety Code standard, which applies across the country. It will establish very clearly what the driver and carrier responsibilities are and the penalties for non-compliance. This responds to public and industry expectations to implement measures to improve road safety and promotes national harmonization, as I mentioned.

We expect that there will be improved commercial vehicle awareness of their roles in overall commercial vehicle safety and it supports a carrier's vehicle maintenance efforts by providing a daily fail-safe check of the vehicle condition: whether the vehicle should actually continue or whether it should be parked before repairs are made.

The second proposal relating specifically to truck and bus safety involves dealing with vehicle-related road debris or flying vehicle parts. The proposal is to create a new offence in the Highway Traffic Act to address parts or components that become detached from vehicles and may cause injury to road users. This would be a new offence—a strict liability as opposed to absolute liability—and applicable to all vehicles, I should mention, not just commercial vehicles, and to third parties—namely, mechanics who repair vehicles—as well as to commercial vehicle owners, operators, carriers and drivers.

We propose to establish a differential fine schedule for non-commercial versus commercial vehicles, with a fine ranging between \$100 and \$2,000 for non-commercial vehicles, and between \$400 and \$20,000 for commercial vehicles. That's consistent with what is already done in terms of load security, for example, having commercial vehicles to a higher standard.

**1040**

There is also in the bill provision for enhancing construction zone safety, as the minister mentioned. This is proposed in three specific ways: first, to double the



current fines for speeding in provincial and municipal construction zones when workers are present; second, to allow municipalities to delegate authority to their technical staff to designate and set the legal speed limits in construction and maintenance zones; and third, to create a new offence for disobeying the traffic control stop or slow sign that is displayed by a traffic control person, with associated penalties. Controlling speeds in construction zones is a major safety issue that needs to be addressed and which has been the topic of coroners' inquests over several years.

Another provision addressing a specialized road environment would allow all municipalities across Ontario to set a lower speed limit in traffic-calming areas. Currently, only the city of Toronto has the ability to reduce speed limits to 30 kilometres per hour. This would allow all municipalities across the province to do so. It would give municipalities more flexibility to respond at the community level to road safety issues on residential streets. Drivers will be reminded that it is necessary and appropriate to slow down on roads where traffic-calming measures are in place.

The bill proposes two specific measures to help counter excessive speeding. The first of these would increase fines for motorists who speed between 30 and 34 kilometres over the posted speed limit. In 2002, there were 402 people killed in Ontario in collisions where speed and loss of control were contributing factors. That's about 46% of the total number of fatalities in that year. We're proposing that fines for speeding between 30 and 34 kilometres over the posted limit would increase to \$7 per kilometre from the \$4.50 per kilometre currently. Other fines would remain the same and the assessment of demerit points would remain the same as it is now.

Speeding at 30 kilometres or more above the posted limit is viewed as unacceptable by the majority of the driving population. The risk of an involved person being killed or seriously injured in a collision is almost doubled for vehicles travelling at more than 30 kilometres per hour above the limit than for those travelling between 21 and 30 kilometres above the posted limit.

The second item focusing on the excessive speed issue proposes an introduction of longer licence suspensions, court imposed, for repeat offenders who speed 50 kilometres or more above the posted speed limit. We are proposing to amend the Highway Traffic Act to permit a court-ordered suspension of up to 60 days for a second offence within a five-year period and a court-ordered suspension of up to one year for the third or subsequent offence within a five-year period. The HTA currently allows the courts to impose up to a 30-day licence suspension for this offence but does not provide for longer suspensions for repeat offenders.

The bill also provides an opportunity to do some housekeeping to increase consistency and remove any ambiguity by replacing the term "maximum speed limit" with the term "speed limit." Currently, the act refers to both of these terms to describe the same thing.

Bill 169 also addresses pedestrian safety, including young people. The issue is that there is a high proportion

of pedestrian fatalities in some urban areas, especially in cities like Toronto, where pedestrians have made up an average of 50% of the city's vehicle fatalities. So in support of pedestrian safety, we're proposing to amend the act so that fines are applied if a motorist does not follow the prescribed rules about stopping for pedestrians, whether it's at crossovers, school crossings or crosswalks at traffic control signals. There will be consistency in moving the fine to the \$150 minimum and consistency in the three demerit points that would be applied.

The second proposal specific to promoting pedestrian safety pertains to enhancing the safety of school crossings. What we're proposing here is to amend the act to require that a driver of a vehicle that stops at a school crossing remain stopped until the school crossing guard and all persons in the crossing have left the half of the roadway on which the vehicle is travelling and it is safe to proceed, and to require that the school crossing guard display the stop sign until all persons, including the guard, have left the crossing. This provides some extra protection to Ontario's most vulnerable road users, pedestrians. It builds on the child safety theme introduced by the minister as part of the child and youth act of last year.

The bill also tackles driver licence fraud. It is a large issue across North America and around the world. We're proposing to amend the Highway Traffic Act to create an offence for possessing or displaying an imitation driver's licence, and we're proposing to increase the penalties for possessing or displaying a fictitious, imitation, altered or fraudulently obtained driver's licence to a minimum of \$400 and a maximum of \$50,000. The current fine is a minimum of \$60, with a maximum of \$500—woefully inadequate, especially when compared to other similar offences.

Also, we've proposed to expand the scope of the act to include a prohibition against making false statements in electronic forms to the ministry. Currently, that protection is only afforded us for written documents.

This bill also tackles illegal taxi operators, as the minister discussed. We are proposing to amend the act to make it an offence for drivers, arrangers and owners to transport passengers for compensation in vehicles that carry less than 10 passengers without a municipal taxi licence, if that's required, or permit for an airport authority or public vehicle operating licence.

The bill also proposes enabling legislation to provide the means to facilitate the delivery of high-quality driver education in Ontario. We feel that we require additional authority to establish the standards of driver training and driver trainers to address poor driver-training practices.

The bill also proposes to introduce a \$50 fee for drivers required to attend demerit point interviews. At present, there is no fee for that interview, and this is a cost-recovery measure.

Finally, the bill would allow studded tires in the north, thereby enhancing winter safety and mobility, as described by the minister. We're proposing to amend the legislation to allow studded tires for vehicles only in northern Ontario, for residents of northern Ontario, and to adopt the Scandinavian standard for lightweight studs.



**The Chair:** Thank you, gentlemen, for your briefing.

As agreed to by the subcommittee, the time allotted for questions by the opposition critics was 10 minutes total, five minutes for each party. Mr. Ouellette, you get the first five minutes.

**Mr. Ouellette:** Thank you very much for your presentation. Bruce, a couple of things. You mentioned the ability of the busing community to control the traffic lights. I know a lot of communities time their traffic lights so that if you're doing the speed limit, you'll go right through. For example, in Oshawa, you'll go right through Simcoe Street if you're doing 50 kilometres an hour. When you give the busing community the ability to control those lights, do you not enhance gridlock for the drivers who then have to stop at each of the lights? Is that not going to be a problem?

**Mr. McCuaig:** The transit property will need to implement such a system in conjunction with the municipality. If there is a traffic system in place in that community that attempts to synchronize traffic signals, that will have to factor into the way in which that system adjusts its traffic signalling so that there is a minimal impact upon the overall system. There would be a close connection between the municipal transit system and the municipal road operator.

**Mr. Ouellette:** By the same token, Frank, you mentioned the crossing guards and providing additional safety there. We're having a bit of a problem right now in my own community whereby the crossing guards don't have enough time with the traffic lights there. Is there some way to look at giving crossing guards the ability to extend those lights to see if they can provide additional safety as well?

**Mr. D'Onofrio:** We haven't looked into that. We can certainly look into it.

**Mr. Ouellette:** Bruce, on the bus passing lanes, how are you going to be able to identify where—is there some study that says, “This is a high accident area and we need bus passing lanes there”? Is it on the left side or the right side? How is that going to play out?

**Mr. McCuaig:** It will be on the right-hand side, on the right paved shoulder. The way in which we identify these locations is through working with the transit provider in the area, whether there's a choke point in the system and then whether or not the geometrics and the design and the engineering of the highway would accommodate the use of a shoulder. So it wouldn't necessarily happen everywhere in the system; it would be in very selected spots.

**Mr. Ouellette:** I would assume those transit lanes would be on the right side, then, to compensate for the bus passing lanes. Because if we have the transit lanes carrying the people and the buses that will be allowed to go on those are on the left side, and the bus passing lanes are on the right side, it would complicate matters.

1050

**Mr. McCuaig:** What we would expect to see on Highway 403, for example, where there will be a proposed HOV lane as well as a bus bypass shoulder, would be that the buses travelling longer distances would go over into the HOV lane, and buses that are travelling just from

one interchange to another interchange, for example, would likely be in the right lane and would be more prone to use the shoulder to pass a point of congestion.

**Mr. Ouellette:** The variable speed limits, Bruce: How are you going to enforce that, and when are you going to notify? Are these just on the 400 series highways that have visual identification, with somebody who is trained watching and saying, “We've got low flow. We can increase the speed limit here”? How are you going to get that message out to the police officers who may be doing enforcement at that time?

**Mr. McCuaig:** The way it has worked in other jurisdictions is that they embed sensors in the road and they measure weather conditions by roadside devices. Then they automatically adjust the speed limit, and they have variable speed limit signs, so that at one point the sign would say, “100 kilometres an hour,” or it could be reduced depending upon the weather conditions in that section. Of course, that lower speed limit becomes the regulated speed limit, and the police service then has the ability to enforce that speed limit.

**Mr. Ouellette:** OK. Frank, on the vehicle inspections, you mentioned the commercial and non-commercial. I'm very interested in the non-commercial inspections. Are you moving forward with the potential of having regular safety checks for vehicles, or how is that to play out? What kind of inspections are you referring to there, for non-commercial specifically?

**Mr. D'Onofrio:** I think that was the vehicle-related road debris that I was referring to. We expect that all vehicle owners maintain their vehicles, so we're not only targeting commercial vehicles. You know, if you're hauling a boat up to the cottage, we expect that pieces won't be flying out of your trailer, for example.

**Mr. Ouellette:** Yes, but you specifically mentioned inspections for non-commercial, so I'm just wondering how that's going to play out or what the intent is there. This doesn't change what currently goes on. There's due diligence.

**Mr. D'Onofrio:** It does not.

**Mr. Ouellette:** OK, so there's no change in there.

How are the fines and demerit points going to apply to out-of-province, Frank?

**Mr. D'Onofrio:** Fines are provided by police to anyone who drives on our roads.

**Mr. Ouellette:** For out-of-province visitors?

**Mr. D'Onofrio:** Yes, they would be applied.

**Mr. Ouellette:** The demerit point aspect, though: How does that apply for somebody out—

**Mr. D'Onofrio:** Well, where we have reciprocity agreements, for example, with other jurisdictions across the country, we send information regarding charges laid in this province. Each jurisdiction has an equivalency table, where they assess what the charge was in the visiting jurisdiction and then they apply their penalties to the individual in their home jurisdiction.

**Mr. Ouellette:** Does that go to insurance companies as well?

**The Chair:** That's your last question.



**Mr. D'Onofrio:** If that information ends up on driver abstracts that are provided in those jurisdictions, then the insurance industry would have access to it, yes.

**The Chair:** Thank you. Mr. Marchese, you have five minutes.

**Mr. Marchese:** Thank you both, Deputy Ministers, for your presentation. A question: Is it a fair assumption to make that trucks have increased on the road in the last five, 10, 15 years?

**Mr. D'Onofrio:** Yes.

**Mr. Marchese:** And have we as a ministry kept up with that increase of trucks on the road by way of inspections? Is there an amount of inspectors commensurate to the growth of trucks?

**Mr. D'Onofrio:** Yes, I believe so.

**Mr. Marchese:** When, in your knowledge and experience, have we hired more inspectors in the last 10 or 15 years? Is it steady?

**Mr. D'Onofrio:** A whole series of truck-and-bus-related safety provisions have been implemented. Over that period, we have increased the complement of inspectors, say, over the last 10 years or so.

**Mr. Marchese:** By how many inspectors, do you think?

**Mr. D'Onofrio:** I'd have to get specific numbers, but at one point, when various initiatives were implemented, when we had issues with flying truck wheels, for example, and others, there were 80 new inspectors who were hired.

**Mr. Marchese:** And was that in 1990, or 1991 or 1992?

**Mr. D'Onofrio:** After 1995, 1996.

**Mr. Marchese:** After 1995?

**Mr. D'Onofrio:** It was.

**Mr. Marchese:** That's not my recollection, but you might be able to help me out by sending me a note saying, "It was in 1995," or 1996.

**Mr. D'Onofrio:** In fact, it was probably 1997.

**Mr. Marchese:** OK. There is some talk of not replacing truck inspectors, in the order of possibly 70 people, by way of attrition. Is that true?

**Mr. D'Onofrio:** There is always a flux in terms of how many people are on the ground versus the complement we have at any particular time. We're looking at ways of improving the way we deliver the truck inspection complement. We're looking at what other jurisdictions are doing. There's no real concerted effort—if that's what you're getting at—to reduce the number of inspectors on the ground.

**Mr. Marchese:** That's a claim that was made by an article I read on August 24, that 70 positions have not been replaced, through attrition, which suggests that this job has been downloaded to the municipalities by way of police inspections. We don't have enough police on the road to do the kind of work we want them to do. I understand, as a response to this claim, that you're doing a review, and that your review is to make this service more efficient. I know what that usually means. Is that happening, not happening? Do we have it wrong? Are these claims incorrect? What's going on?

**Mr. D'Onofrio:** I don't know where the number 70 comes from. I've seen it as well, and I don't believe it to be correct. In terms of police, we need as many partners in road safety and truck and bus safety as we can get, so we align ourselves with police services so that we work together on blitzes and so forth.

**Mr. Marchese:** Of course you would work together with the police. That's what I would expect you to do. But do you think it would be better to have more inspectors on the road, or do you think we should hire more police, or both? What do you think?

**Mr. D'Onofrio:** I think we should utilize the resources we have and we should leverage new technologies. We should work at focusing on chronic offenders. Those are all things we're looking at as part of the review you mentioned.

**Mr. Marchese:** In terms of this efficiency review, do you think we need more inspectors, or less, or do you think you can make the system more efficient with fewer workers?

**Mr. D'Onofrio:** The intent isn't to use fewer workers. We're looking at ways to improve the efficiency of the program. That includes technology and partnerships and the rest of it.

**Mr. Marchese:** I talked about enforcement as a key deterrent in terms of bad behaviour, and I made the point earlier that we're not hiring the police as fast as the promise was to do. In my view, that's a problem. You talked about education as being the other key. What does the minister or you ministry people have in mind by way of education to convince the public that they're doing something terribly wrong? Is there some money being put aside for education? Will you be doing that? How often? Where? When is the money coming? Will you be making such a promise?

**The Chair:** That's your last question.

**Mr. D'Onofrio:** We work with over 100 groups, large and small, community-based, large national organizations and otherwise. We've really been fortunate in being able to leverage their efforts—groups like the Canadian Automobile Association, the Ontario Trucking Association—to get the word out. We do have a presence in terms of resources on the education side, but we can't do it alone. We rely on all our partners to get the word out, and the media has been very good. For example, if you look at the child and youth act from last year around booster seats, the illegal passing of school buses and graduated licensing, they've been very good at getting the word out.

**The Chair:** Thank you, gentlemen. We appreciate your being here. Thank you for your presentation and your time. Thank you, Minister, for coming.

## ONTARIO TRUCKING ASSOCIATION

**The Chair:** Committee, we've come to the point in our agenda where we have public hearings.

Our first deputation is from the Ontario Trucking Association. We have two deputants, Mr. David Bradley, president, and Mr. Doug Switzer, manager of government



relations, if they could come forward. Good morning, gentlemen. Please identify yourselves for Hansard before you begin speaking, and then, when you do begin speaking, you will have 15 minutes. Should you use all of your time, there will be no opportunity for questions or comments. Should you leave a little bit of time, there will be an ability for all the parties to ask you questions about your deputation.

1100

**Mr. David Bradley:** Thank you very much, Madam Chair. I'm David Bradley, president of the Ontario Trucking Association. Committee members, we're pleased to have this opportunity. I hope I don't take up all 15 minutes, but I tend to get quite passionate about safety, and passionate about my industry as well. The reason for that is that safety is the top priority in our business. We share our workplace with the public, and with that comes an added responsibility that most other industries do not have to bear. But the important point I want to underline here is that safety is also good business, and anyone who's in our industry who doesn't believe that, we just as soon as work with the ministry, work with the police force, to get them off the highways.

You asked the question, Mr. Marchese, earlier about the growth of trucks in the province. In fact, we've seen quite spectacular growth since 1990. We've seen increases in registrations of large trucks in the province by 37%. What's interesting is, during that period, while we've had that massive increase in the number of trucks on the highway, the number of heavy trucks involved in accidents is actually down. It's down 5%.

While we represent 15% of all the vehicles on the highway, we only represent 1.6% of all vehicles involved in accidents. There's been a 36% reduction in the fatality rate during the period since 1990, and absolute fatalities are down 13%. It's also important to recognize that as a class, not only are truck drivers the safest drivers on the highways, and the vehicles are the safest, but they're also not at fault in the vast majority of those accidents that we are involved in. So of that 1.6%, you can probably point the finger in about 30% of those cases where the truck driver bore the main responsibility.

Notwithstanding that, safety is a continuous, evolving process. Conditions change, our markets change, and with that, we always have to be working to improve safety further, and the public demands nothing less than that from us. So we welcome Bill 169. We agree with its intent and with most of its content, but there are still some issues that we believe need to be resolved in seven areas, and I'll quickly go through them:

First, with regard to speeding, we support the introduction of variable speeds. We support the increased fines and penalties for chronic speeders. We approve of and support increasing fines in construction zones. All of those are good measures. The difference in terms of whether they will be symbolic measures or whether they will be effective, in our view, has to do with enforcement, and the level of enforcement of speeds on the 400 series of highways is inadequate, in our view, and has

been for some considerable period of time. These measures will only be effective to the extent that people feel a risk of getting caught. We think something needs to be done there. We, in fact, even though trucks are not prevalent speeders, will be coming out this fall with a comprehensive truck speed policy initiative that we're hopeful that the government will partner with us on.

Flying vehicle parts is another major part of the bill. There will now be an HTA offence for any part or thing to become detached from a vehicle. Again, we do not dispute the intent. We have some questions in terms of how that's going to be enforced when a part is lying on the highway. It's not at all clear whose vehicle it became detached from, but we're pleased that the proposed legislation addresses some of our basic concerns. One was that this should be a matter of strict liability. In other words, the public and the trucking industry, where there's no charge, would be able to launch a due-diligence defence. That's natural justice. We're also pleased that it applies to both cars and trucks, not just singling out the trucking industry.

I'd be remiss if I didn't mention the flying truck wheels, which are part of our history now, and we still are concerned about the fact that the government did not take the opportunity in implementing the new flying vehicle parts laws, that they didn't change the wheel-off law from a matter of absolute liability, where we have no defence, to a strict liability situation. No one has worked harder than the Ontario Trucking Association to eradicate flying truck wheels. We still, however, believe that this particular law is a violation of natural justice.

With regard to the removal of debris and vehicles blocking highways, again, this is laudable. The cost to not only our industry but to society of not being able to clean up crash scenes quickly is a huge problem, particularly in the more populated areas. In principle, we're not opposed to giving the police more empowerment to deal with these situations. One of the problems that we've historically faced is that it was never clear who was in charge at an accident scene. At least now this is clear, and that's good.

However, we have some concerns with some other aspects of the proposed law. We understand that making the owner responsible for a vehicle is at least in part, if not in large part, being introduced because the towing companies, the recovery companies, have a concern about being paid and how long it takes to be paid.

We're concerned that the measures in the bill fall short of really being able to provide that sort of protection in the absence of any insurance. It's one thing to say that the owner is responsible, but if the owner doesn't have any money, the towing company is not going to get paid. But from our industry perspective, the concern that we have, and I think with reasonable cause, is that the decision in terms of who will pay will not necessarily rest with who is at fault but with who it is determined has the deepest pockets.

I can tell you, when it comes to a choice between John Q. Public in his four-wheeler and the trucking company,



the trucking company will be viewed as the one with the deepest pockets. We don't think that's fair. We think there should be mandatory cleanup insurance for all motorists and all truckers across the country.

The cost of cleanup is also a concern for us in a situation where a recovery company has been empowered by the police to do cleanup. Most towing companies, I think, are reputable and try to do the right thing, but there is a risk—and we have incidences of this, where the charges are excessive. We believe that in a situation where that towing company has the authority of the police to move those vehicles, there has to be some sort of regulation to ensure that our members are not going to be gouged for this service—our members or the public, for that matter.

Trip inspections are another important part. This is where a truck driver is compelled by regulation to do a circle check of his vehicle before leaving on a trip. The HTA proposes to facilitate adoption of the new National Safety Code standard on trip inspections. This really started back in 1997 during the Target '97 joint OTA-government task force on truck safety, so it has been a long time coming, eight years, but we're glad to see the enabling legislation there. However, again, it's powerless without the regulation. A number of years ago now, OTA and MTO jointly piloted the new standard. It was developed here in Ontario. We simply urge the government, with haste, to move forward with the regulations to actually bring some effect to this proposed law.

HOV lanes are a concern here. Again, we're willing to give anything a try, to try to maximize the capacity of our existing highways. We think there needs to be some sort of process in advance to monitor, in fact, that we have some improvement in congestion as a result of the HOV lanes.

We also have concerns—when this idea was initially talked about, we were talking about new lanes only. Now, under the proposed legislation, we're talking about existing or new lanes. We're concerned about taking away existing capacity.

We also think it behooves the government to take a close look at other jurisdictions in North America like Texas, where without concrete barriers separating the HOV lanes from the regular lanes, there has been, from our understanding, an increase in collisions.

Driver education and training: The minister will now have significant powers to license and regulate driving schools, both non-commercial and commercial. We think this is long overdue. Current regulation is ineffective in terms of getting rid of the licence mills in our industry, and they are out there. We want to see that stopped. We can't afford, as an industry, the kind of poor training that's being conducted by supposedly regulated schools out there right now. We will be coming forward to the ministry, once this proposal becomes law, with a comprehensive plan to improve training and the regulation of training in our sector.

Finally, pilot projects: The fact that MTO will now be allowed to pilot vehicles or operations presently inconsis-

tent with the HTA we think is a good idea and should provide for better transportation solutions in the future.

Thanks very much.

**The Chair:** You did pretty good. You left about a minute and a half for each party to ask you a question, beginning with Mr. Ouellette.

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**Mr. Ouellette:** Thanks very much for your presentation. The OTA has always worked very closely and very well with the government. You mentioned about the high-occupancy vehicle lanes. Do you have any data that indicates that it could possibly increase the number of collisions? Is there anything you can submit to the committee that we can look at?

**Mr. Bradley:** Yes. In our submission, there are a few references to studies that have been conducted where these are used in the United States that will point you in that direction.

**Mr. Ouellette:** OK. The vehicle cleanup insurance: Are there other jurisdictions that have this in place and do you have any examples of what's the average cost for a vehicle? Do you have any of that sort of information?

**Mr. Bradley:** No. I'm not aware that it exists elsewhere.

**Mr. Ouellette:** Oh, OK. I know that there are driver abstract problems with the listing of accident reports. I constantly hear about that from a number of drivers. Has there been anything to address any of those problems in reporting and that sort of information? I know driver abstracts are one of the key concerns throughout the industry.

**Mr. Bradley:** There are some issues right now in terms of the information that's going on driver abstracts. In our view, it's not complete enough. Companies are compelled to hire safe drivers and if we don't have complete information on the abstracts, it makes it difficult to do that. So there are some outstanding issues presently that we're working with the government to try and resolve.

**Mr. Ouellette:** Do you think there's a chance in this bill—

**The Chair:** Thank you. Mr. Marchese, you have the floor for a minute and a half.

**Mr. Marchese:** Thank you, Mr. Bradley. I want to tell you, I'm a pretty aggressive driver; not fearless, but fairly aggressive, and some of the truck drivers—I tell you, they scare me.

**Mr. Bradley:** Well, you scare them too.

**Mr. Marchese:** I'm glad to hear tiny little me scares a big, big truck. I just thought I'd let you know that sometimes there are serious problems on the road with trucks.

On the issue of enforcement, do you have any politically safe comments you want to make around increased OPP presence?

**Mr. Bradley:** I don't think it's any secret that the presence of the OPP in terms of speed enforcement is lacking. I think the OPP would be the first to say that they are not able to keep up with it and that the enforcement against trucks is really particularly an area where they do not concentrate their efforts, for whatever reason.



**Mr. Marchese:** I agree. Mr. Takhar makes me feel very safe, however, because the police are coming and everything will be OK, so don't worry.

On the other matter around the issue of capping, in the event of an accident, you suggest that there should be a maximum amount that can be charged. But how did you determine—

**Mr. Bradley:** Not necessarily. I'm saying that it should be regulated and I think that it's a complex issue—different regions of the province and that sort of thing—but I think that's something that should be addressed.

**Mr. Marchese:** But you say setting the maximum—

**The Chair:** Mr. Marchese, could you summarize, please?

**Mr. Marchese:** How would you do that? How would you determine the maximum?

**Mr. Bradley:** I think there's a market out there and I think we know when people are charging beyond the market, so I don't think it would be that difficult, actually, to come up with something fair and reasonable.

**Mr. Jean-Marc Lalonde (Glengarry-Prescott-Russell):** Thank you very much. We appreciate the passion that you have about safety on Ontario highways and we are also pleased about the fact that you have passion about your industry. I've met with your association on quite a few occasions.

You are concerned about tow truck operators at the present time. We would greatly appreciate it if you could submit or propose an amendment which could be discussed when we meet for clause-by-clause on this bill. Did you say that at the present time, trucking companies don't always have insurance for tow truck costs?

**Mr. Bradley:** The vast majority of trucking companies would. Certainly, my members would. There will be those who don't. The other issue, of course, is that the cost of trying to get that sort of liability insurance these days has skyrocketed. In the province of Ontario, there are presently only three companies prepared to even underwrite liability insurance for our industry.

**Mr. Lalonde:** So what you would probably like in there is a maximum per hour that a towing service would cost the company?

**Mr. Bradley:** That would be the ultimate. Whether you ended up with it that prescriptive, or whether you had a range, depending on various factors—where you are, the type of vehicle, the type of freight, those sorts of things. The thing you've got to remember here is that the recovery company often has your truck and has your freight, once they've recovered. So they've really got you caught and they can name their price. If you don't pay, you don't get your freight back and you don't get your truck back, and that's not fair. That's something that really needs to be looked at.

Again, we understand what's trying to be accomplished here. Nobody more than us wants to see vehicles at an accident scene moved away so we can get moving again, but there has to be some protection here as well.

**The Chair:** Mr. Lalonde, you're out of time. I'm sorry. Thank you, gentlemen. I appreciate your coming here today. Thank you for your deputation.

## GERALD MANLEY

**The Chair:** Our next delegation is the Toronto taxi industry. Could I ask Mr. Gerald Manley to come forward? Good morning.

**Mr. Gerald Manley:** Good morning, Madam Chair.

**The Chair:** When you get yourself settled, if you could identify yourself and the organization you speak for, for Hansard. When you begin, you have 15 minutes. Should you use all the time, we won't have an opportunity to ask you questions, but if you leave some time, we'll get a chance to ask you about your deputation.

**Mr. Manley:** Thank you for the opportunity to talk to the committee. I think it's important for you to realize that the Toronto taxi industry is not against the main body of Bill 169. The part that we are against and that we challenge is schedule A amendments to the Highway Traffic Act, part IV, section 39.1, subsections (1) through (11), which deals with legally picking up transportation clients; to wit, scooping.

What is scooping? Scooping is the picking up of passengers for compensation in a territory or area that you are not licensed in. Who are the main scoopers? The main scoopers are Greater Toronto Airports Authority vehicles and vehicles and limousines that take fares back to the airport. Why are they scooping? Because you allow it. Subsection 155(2) of the Municipal Act gives them this right. Why is that? Why was it brought in? There are no answers for this. It has cost the Toronto taxi industry almost three quarters of a billion dollars in revenue over those years and it's creating unbearable financial hardships on our drivers. Transversely, when we pick up at the airport, we have to prearrange the trip and pay a \$10-per-fare pickup fee. Where is the fairness in this? Where is the level playing field of this legislation?

Now you're bringing in Bill 169 under the Highway Traffic Act. Municipal licensing fees have always been under the Ministry of Municipal Affairs and Housing. Part of that act is pretty well, for all intents and purposes, going to close off the airport completely for pickups by Toronto taxis because it says you must be licensed by the airport. Most Toronto taxis are not licensed by the airport.

It's bizarre to me that the Ontario government is getting into an area where you have no authority. You have no authority at the airport. If there's a scooping problem at the airport, why isn't it done under the auspices of the federal government? That's where it should be done. Why is the provincial government getting involved in this?

I've given you quite a bit of documentation. I have time restraints so I can't possibly deal with it all, but I have faith in this committee and staff that if you take 15 or 20 minutes to read this, the message will be clear. I am going to key on something I received last week from the Minister of Transportation, Mr. Harinder S. Takhar, of which I have provided a copy to this committee.

I focus on the second paragraph, and it says, "It is important to clarify that these amendments are not intended to change the municipal licensing process currently in place." If you're mandating licences, how are



you not interfering with that licensing position? If you look at the Municipal Act, under "General Municipal Powers," clauses 9(1)(a) and (b), it gives the municipalities a wide and broad authority to deal with these issues. This is, for the most part, repetitive information. Why do we need to have secondary laws that state the same thing? Why are we going into a different ministry to deal with things that are already dealt with by another ministry?

When you also take a look at one of the minister's main concerns, health and safety, that is also dealt with under the Municipal Act already. Take a look at part IV, "Licensing and Registration," subsection 150(2), "Purposes," paragraphs 1 to 3, and they clearly state that a municipality can exercise its licensing powers for the purpose of health and safety, nuisance controls and consumer protection. This is exactly where he said it here. Again, repetitive legislation.

The municipality already has the right to deal with airports. That is also in the Municipal Act. Section 70, under "Airports," states that a municipality may, for its own purpose, "exercise its powers under the 'transportation systems, other than highways' sphere of jurisdiction in relation to airports in the municipality, in another municipality or in unorganized territory." So why are we interfering with airports? Really, what you need to do is make sure that the cities enforce existing legislation. We don't need any more.

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Who benefits from this? The only one who benefits from this is the Greater Toronto Airports Authority, because that's the only place it could possibly be enforced. Logistics in a city make it impossible. Every corner is a prospective scooping place. How can a city with a lack of manpower and resources enforce this? But Peel regional, in a matter of a few thousand yards on an airport terminal, very easily could enforce it, and again advantage Greater Toronto Airports Authority vehicles.

The minister makes it appear that this is a provincial problem. That is far from the truth. What does he mention? Three jurisdictions: Niagara region, Ottawa and Toronto. Ottawa and Toronto: Where is the problem? At the airports, not in the cities, so it's not a wide-reaching provincial problem. It's mainly a problem in Toronto, and the main problem is GTAA versus Toronto taxis. It's totally unfair. This section, at the very least, should be removed, or perhaps you might consider deferring it to the review of the Municipal Act that is presently in place. This is where this issue belongs. Thank you.

**The Chair:** Mr. Manley, you've left a lot of time for everybody to ask you questions: up to three minutes for each party, beginning with Mr. Marchese.

**Mr. Marchese:** Thank you, Mr. Manley, for raising these issues. The minister also says that that section is only intended to deal with shady operators, the unlicensed operators, presumably. Your point, however, is quite a different one.

**Mr. Manley:** Yes, because most of the people who are doing the scooping at the Toronto airport are in actual fact licensed vehicles. They are licensed by different jurisdictions around the airport, and the only reason that

they do the scooping there is because they're getting the business taken away from their own cities by the province allowing the GTAA vehicles to come in without paying any licensing fees and taking the cream of their business.

**Mr. Marchese:** Mr. Manley, what discussions have you had with the minister and/or his staff around the issues that you've raised?

**Mr. Manley:** We had a meeting with the minister on June 30. He certainly gave us assurances that he would facilitate a meeting with the Minister of Municipal Affairs and Housing. That has yet to arise.

**Mr. Marchese:** So you're basically left with an understanding that what he would try to do is to facilitate a meeting.

**Mr. Manley:** That's what he left us to believe, that he would facilitate that meeting.

**Mr. Marchese:** Have you had discussions with the Minister of Municipal Affairs?

**Mr. Manley:** Not personally, but we've met with a number of his staff, including Mr. Duguid, and we've given him our observations on these issues. We've had meetings with many members of provincial government, from all parties, and we have found them very supportive on our issues.

**Mr. Marchese:** Very supportive versus action, of course, is what you're looking at.

**Mr. Manley:** Correct.

**Mr. Marchese:** You've had meetings with Mr. Duguid and he was a good listener?

**Mr. Manley:** Absolutely.

**Mr. Marchese:** Did he propose any suggestions in terms of how he would proceed to help out with this problem?

**Mr. Manley:** Not as far as bringing it to the floor for an amendment or a law change, but hopefully that is in the works.

**Mr. Marchese:** So you're hopeful.

**Mr. Manley:** We're hopeful.

**Mr. Marchese:** In 1982 there was a hope as well, where the government indicated they were going to try to help, and that hope never materialized for years.

**Mr. Manley:** Absolutely. There was a hope in 1978 when they brought in 155(2), but they totally turned their back on the representatives from the city of Toronto.

**Mr. Marchese:** You've had two successful demonstrations out there. Do you think that's had any effect on the government?

**Mr. Manley:** I hope it has. I hope it has made you aware so you at least take a look into this issue. We're not asking for preferential treatment here. We're just asking for a fair, level playing field.

**Mr. Marchese:** By the way, I suggest to you the reason why they're not changing the Municipal Act is because they're trying to avoid the issue. I recommend to you and suggest to you that we're not going to get any changes. Part of the lobbying you're doing here is to force them to do something before the bill gets passed. Once the bill gets passed, I can guarantee this issue will



not come forward. So I recommend to you that you continue lobbying Mr. Duguid and other Liberal members. Get a meeting with the minister soon, before this bill gets passed, and get some clear commitment; otherwise, it's sayonara, right?

**The Chair:** We have 30 seconds if you want to respond to that.

**Mr. Manley:** We are in that process. We are always trying to meet with members of the government to get a fair and level playing field. We're in the process of trying to get a meeting with the Toronto caucus also, who would be more likely to facilitate—

**Mr. Marchese:** I suggest you do that before this bill is passed.

**The Chair:** Thank you, Mr. Marchese. I appreciate it.

To the government side: Mr. Duguid. You have three minutes. I understand there are two questioners.

**Mr. Brad Duguid (Scarborough Centre):** OK. I'll try to be quick.

I want to begin by thanking Mr. Manley for his leadership within the industry. I've known him for many, many years, as a city of Toronto councillor, and he's been at the forefront all the time in speaking on behalf of the Toronto taxi industry. So I thank you for that and the time you've spent with me in trying to bring me up to speed on what is an incredibly complex issue.

I guess I'll begin by giving you an assurance from the perspective of the Minister of Municipal Affairs and Housing, to whom I spoke on this issue as of yesterday. We are absolutely committed to ensuring that you're involved in the Municipal Act reforms. The Municipal Act reforms are coming forward this year, very shortly. We expect them to be before the Legislature during this session, probably, if not later this fall, then early in the spring. We're absolutely committed to ensuring that you're involved in those discussions with us.

**Mr. Manley:** I appreciate that.

**Mr. Duguid:** I think it's very, very important. You've raised some very valid concerns. The Minister of Transportation acknowledged that today when he spoke, and certainly in my meetings with you as well we recognize that you've raised some very valid concerns. So I thank you for bringing that forward.

The only thing I ask you to clarify for me is, you indicated that Toronto taxis would not be able to go into the airport under this legislation. Does that include with the \$10 charge and the pre-arranged visits? Does that include that?

**Mr. Manley:** There is potential for it to include that, because it does state that for you to pick up at an airport, you would require an airport licence. So there is that potential that they could close the door. Would they? I don't know.

**Mr. Duguid:** OK. We'll have to take a look at that. Thank you.

**The Chair:** Mr. Dhillon, you have a minute.

**Mr. Vic Dhillon (Brampton West—Mississauga):** First of all, thank you very much for your presentation.

You mentioned that your members suffer a considerable amount of financial loss as a result of illegal pickups by GTAA vehicles. Have you done any studies that point to the specific fact that it's the GTAA vehicles that steal your business?

**Mr. Manley:** Well, they're allowed to steal the business. We did a grid, which I thought was very fair, of taking one lost airport fair per vehicle twice a week. When we went back and looked at the runs we used to do back many years ago, most cabs would do six or seven airport shots in a week, both shifts. When you extrapolate those figures for 27 years, and it's not an unreasonable grid—

**Mr. Vic Dhillon:** You didn't take anything else, like the economy or ups and downs in—

**The Chair:** Can we have a quick answer, because your time has expired.

**Mr. Manley:** Yes, that was all brought into it. This is why they're suffering the economic hardships that they are suffering today.

**Mr. Vic Dhillon:** Would you have that available for us?

**The Chair:** Thank you very much.

Mr. Ouellette, you have three minutes.

**Mr. Ouellette:** Thank you for your presentation. Where is most of the enforcement currently: under the HTA or the Municipal Act?

**Mr. Manley:** That's the whole problem, Mr. Ouellette: enforcement. The laws are there but they're not being enforced. We have municipal inspectors; we have the Toronto police department. We're not a high priority here, and unless you mandate a sweep under that, there's very little legislation—and it doesn't matter whether it's under the Ontario Highway Traffic Act or a municipal bylaw. If it's not being enforced, it's not being enforced.

**Mr. Ouellette:** So you're not getting enforcement on either side?

**Mr. Manley:** There's very little enforcement.

**Mr. Ouellette:** So we wouldn't expect any change in that, then?

**Mr. Manley:** No, none.

**Mr. Ouellette:** You mentioned no authority at the airport, but who would be responsible, then, for enforcement at the airport?

**Mr. Manley:** The federal government has reciprocal agreements with different area and municipal police departments which give them the right to enforce provincial statutes on their property. But I mentioned in my brief a couple of federal acts, that this could be done on airport property.

**Mr. Ouellette:** So who do you think the net benefactor would be: your industry, because these individuals from—I see that later on this afternoon we have the airport limo drivers presenting. Or is the GTAA going to be the major benefactor from this?

**Mr. Manley:** The major benefactor would be the GTAA, and you also have to include anybody else who runs a limousine service that takes people to the airport.



**Mr. Ouellette:** I'll give you an opportunity as well to respond to the minister's statement. I think he specifically stated that people have been charged \$180 to go from the airport to downtown Toronto and that's the reason it's being brought forward. In situations like this, my first question is, "How much is it to go where I'm going?"

**Mr. Manley:** Common sense.

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**Mr. Ouellette:** As a frequent flyer, in the business we're in, we get that. If you want to respond to that, I'll give you an opportunity.

**Mr. Manley:** It's certainly very easy to stop. All you have to do is post large signs as the people are coming out of the terminal: "The price to downtown Toronto is X," end of story. That stops that.

**Mr. Ouellette:** I see. How would you go about getting that process in? Would you have to go through the GTAA in that particular case?

**Mr. Manley:** Yes, you'd have to go through the GTAA, because that is their jurisdiction, that's their property.

**Mr. Ouellette:** OK. That answers my questions. Thank you.

**The Chair:** Thank you, Mr. Manley. We appreciate you coming today.

#### DRIVING SCHOOL ASSOCIATION OF ONTARIO

**The Chair:** Our next delegation is from the Driving School Association of Ontario, Mr. John Svensson, president. Have I pronounced that right?

**Mr. John Svensson:** Yes, you did, very well.

**The Chair:** Good morning. Thank you for coming. We appreciate your being here. When you start, if you could say your name and the organization you speak for. You will have 15 minutes. Should you use all of your time, we will be unable to ask questions or make comments on your deputation. If you leave time, it will go through all three parties.

**Mr. Svensson:** Thank you, Madam Chair and committee members. My name is John Svensson. I am president of the Driving School Association of Ontario. Perhaps it's best to start with just a brief two-minute bullet, as Minister Sorbara called them during the pre-budget consultations. I'll say right up front that this is not intended to be combative. We have a long history of being very co-operative and, I think, very innovative in Ontario. But I think you'll understand when you hear the short bullet where our concerns are coming from in regard to Bill 169, specifically as it relates to driving schools, particularly driving schools that provide novice driving instruction. That's where the majority of our members operate, for novice driver training.

The Driving School Association of Ontario is a non-profit trade association. We have members that serve virtually every community in Ontario. About 100,000 graduates go through novice programs from our private, professional driving schools in Ontario every year.

In response to challenges from the government, going back as far as 1985—I won't go back to 1978 when another bill came forward for self-regulation, but in response to challenges the government put to us in 1985—we undertook a path for industry self-regulation. By 1994, 100% of all of the driving schools offering formal driver education programs in their communities were part of the DSAO-approved school system.

From there, we brought in other innovations. We introduced the first inspections of driving schools, the first sanctions for non-compliance. All of these sanctions applied on six levels, just by natural justice: due process, rules of evidence, notice of complaint, notice of discipline hearing, the right to be represented by counsel, the right to appeal—the whole nine yards. We also introduced the first consumer protection plan sponsored by the industry in North America. Between 1994 and 1999, we paid out over \$50,000 to ensure Ontario consumers got what they paid for when they signed up for a driver training program.

Our program was the envy of North America. In fact, we had invitations to speak in Europe, Asia, Australia and throughout North America.

Inexplicably, in 1999, the Ontario government elected to appropriate our system. Thank you for six years of work, \$3 million of private money, mom-and-pop dollars, to put together a system that KPMG—we brought them in for quality assurance. They said, "You have one of the best internal quality assurance systems we have seen." This was on our ISO pre-application. "You need a little work on documentation, but your system is superb."

As I say, it was appropriated, without notice, without compensation. That was April 26, 1999. Since then, we have been virtually locked out. We have had successive ministers promise to correct the problem; commitments from the ministers, in public forums. We have had successive transportation critics, now members of the current government, promise to remedy the situation. We are at a loss to understand how a system so comprehensive, so accountable, that had 100% participation from the industry, could be disassembled and replaced with what we would term a dysfunctional system that has completely chopped legitimate schools off at the knees.

We would argue a number of points. Again, this may sound very combative, and maybe everyone's saying, "Well, this can't happen in Ontario." It happened in Ontario, I can assure you. This is a complex subject, but it's not that complex that you build a system—and I'll be frank with you. Most of our work is now in the United States, because they love our system. I just got back last night from Washington, DC, and they're drooling over the prospects.

This legislation to regulate driving schools will do several things. It will double-tax schools that already operate in municipalities where driving schools and instructors have to be licensed and are very highly regulated. They already have to produce two safety certificates, proof of insurance and other things that



aren't required provincially. More than that, it will add a new layer of bureaucracy.

One of the primary reasons we were told the government got involved in this is because of the four-month credit. The ministry's own data shows that the four-month credit is actually raising the risk of drivers crashing. In my two-minute bullet to Minister Sorbara, I said clearly, "Minister, it has cost our industry \$3 million-plus to build our system. It has cost our industry over \$2 million—\$2.5 million to be precise—to operate under the ministry for services of little or no value," meaning that schools were told they had to pay for inspections by a third party in order to receive ministry certificates.

I don't mean this to be a rant. I want you to understand the frustration and the passion I have, after 35 years in this industry and our association being courted internationally, to have the knees chopped off. With all due regard to the minister, the minister has refused to meet with us—not only with us but with members of caucus and their constituents. We are frustrated. If you sense that, it's because we are frustrated. It cost Ontario taxpayers over \$1 million a year for the five years this system has operated and our industry over \$2.5 million.

There are solutions. We don't believe that one of the solutions is regulation of the driving schools. Fundamentally, Ontario has a Cadillac parked in the garage and we're being told we're going to have to drive a jalopy.

Who's going to tell Ontario parents that the four-month credit that provides the foundation for the Ministry of Transportation getting involved in this in the first place is putting their kids more at risk? Who's going to tell Ontario's motorists that the system we have lived with for the last five years will not be corrected by legislation? If you want to know future behaviour, take a look at past conduct. A year ago almost to the day, Toronto 1 aired a four-and-a-half-minute piece on the sale of driving school certificates, because anybody could get driving school certificates for graduates. That's where tens of millions of dollars a year in insurance fraud is happening. Anybody could get ministry-printed certificates. The ministry's response to that was to give schools blank certificates that they could fill out themselves: "Here. Take as many blank cheques as you want." I've had people come up to me and say to my face, "John, I've got \$250,000 in the bank in cash, tax-free, and a brand new BMW. I'm getting out of this rat race."

We have a system that can be implemented today that's accountable, that has already been rated by KPMG as one of the best they've seen, that has a proven track record, that involves consumer protection, accountability sanctions and course standards. We'd like to work with the ministry, seriously work with the ministry.

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In conclusion here, what I asked Minister Sorbara was, "Please stop trying to help us. We can't afford the help." It's costing us; it has cost us over \$2.5 million. Legitimate schools can't compete with programs that never turn their lights on, that sell certificates out the door as fast as they can order them from the Ministry of Transportation. It's a dysfunctional, broken system. I've never

been one who's sugar-coated things, and I certainly welcome your questions on this.

**The Chair:** Thank you. Do you have a written submission that you will be submitting to us today?

**Mr. Svensson:** Yes, it will be here for the committee. It's not with me today, but it will be here by 5 o'clock tomorrow.

**The Chair:** Because I saw people writing furiously, and they would like to take some notes, so if could you provide that to me—

**Mr. Svensson:** Yes, there will be a written synopsis. Again, I apologize for the rant issue. Nobody at the ministry has any misconceptions—they're wonderful people at the Ministry of Transportation, but the system is broken.

**The Chair:** You've left about a minute and a half for each party, beginning with the government side. Mr. Lalonde.

**Mr. Lalonde:** Thank you very much for making the presentation and taking the time to meet with us this morning. We recognize that this is an unregulated industry at the present time. Not every driving school has to join your association. There are no regulations in place, and the government wants to make sure that young drivers are following the MTO regulations at the present time, whenever they go through a driving school.

At the present time, you say that you have regulations in place, and you also say that it might cost double for the people who are taking training through those driving schools. Let me tell you, it is very important that we look after the safety of all our people in Ontario, and this is why, not having provincial regulation at the present time, it's really time that the government regulate this industry.

**Mr. Svensson:** Monsieur Lalonde, I certainly appreciate your concern. The problem, quite candidly, is in the GTA. The primary problem is in the GTA, and it's only been the magnitude of the problem since the ministry got their fingers into things officially in 2000.

Further to that, schools do not have to be members to subscribe to standards. In other words, we had 100% of the driving schools offering driver education in Ontario through formal programs sign a contractual agreement. Whether they wanted to join the association as a member was irrelevant; we never forced people to be members.

As a result, schools that train probably 80%-plus of the students joined the association, but there was no obligation. Their obligation was to adhere to the criteria, the standards of operation. Quite candidly, those municipalities that have felt there is some need for regulation have exercised their power under the Municipal Act to require licensing, and those that are quite happy with the status quo have likewise selected laissez-faire, because there is no evidence of any problems.

I guess the biggest frustration is that we didn't get graduated education when graduated licensing came in, and every one of our efforts to implement new standards that reflected—the meetings in Washington dealt with the Transportation Research Board and where we have to go to make driver education effective. Quite candidly, right now, in this current delivery system, it's not effective,



and state and provincial governments are trying to get out of regulating driving schools and into relationships of professional accreditation and trade association involvement. They're trying to get out of it because they don't do it well. There isn't a government that regulates the private industry well in North America.

**The Chair:** Thank you. Mr. Ouellette, a minute and a half.

**Mr. Ouellette:** What exactly are the direct impacts of the legislation, should it pass, going to be on the current schools that are there? How is the day-to-day operation going to change?

**Mr. Svensson:** There are a number of issues that were raised in Hansard in the Legislature during second reading. I won't get into all of those; they're read into the record, and I'll provide those. But in day-to-day operation for a large number of schools it will do two things.

Given the past history of—see, the government already has regulations in place to license driving instructors. All driving instructors have to be licensed. It will create another layer of bureaucracy, it will increase costs to driving schools, it will destroy 20 years of work in industry self-management and self-regulation. Schools that expressed concern or disagreed—and all this is documented, clearly—were removed. There was no phone call, no letter, no notice, just off the lists from the Ministry of Transportation—gone. I didn't even know they were gone until their phones stopped ringing. Competitors aren't going to tell them they're not on the list any more.

The sort of experience that our industry has had, Mr. Ouellette, is that government doesn't enforce its regulations. You've heard that several times here. We don't anticipate, without significant dollars being invested from our industry, that government will enforce them. By the way, of the schools that were featured in the Toronto 1 show a year ago, one of those schools, a year later—on camera, and also using a private investigation firm—is still in business. That's how it's going to affect the business; it's just going to continue. We're not going to see any relief. If this goes into government regulation, it will, as it already has, severely cripple the association because people are afraid to be part of the organization for fear of reprisal, and it will stall all the innovation. We lost consumer protection, we lost sanctions. There have been virtually no sanctions. A school that's selling certificates and goes on provincial television is still in business a year later, and now they have five locations, not one.

**The Chair:** Thank you. Mr. Marchese, you have a minute and a half.

**Mr. Marchese:** Mr. Svensson, you're saying that when you had complete control, in terms of self-regulation, you would be able to monitor problems much more effectively than the current system?

**Mr. Svensson:** We're the only ones that have a track record. We have 67 sanctions on the books. All natural justice, due process, rules of evidence, right to notice of disciplinary hearing; yes, in short.

**Mr. Marchese:** So those were the changes that were made in the years 1999 and 2000. These changes will

make it even worse, and you're saying, "We're not likely to have better enforcement, and that's a problem." If we had better enforcement, would you feel better, or would that still be a problem?

**Mr. Svensson:** We've been promised better enforcement for five years; it hasn't happened. I'll tell you why it hasn't happened: because the people who are trying to do the enforcement don't know the industry. If you want the final bombshell, our industry was forced to pay for enforcement for the last five years. We were told there would be annual inspections of every site—\$2.5 million. By the way, that is two and a half times the fees that KPMG would charge—

**Mr. Marchese:** John, you mentioned—and I apologize. Have you had a chance to meet with ministry people?

**Mr. Svensson:** I mentioned that earlier. The minister has refused a meeting with us.

**Mr. Marchese:** The minister. What about ministry staff?

**Mr. Svensson:** Mr. D'Onofrio and Mr. Rafi, the ADM and deputy minister, I met with in May of last year.

**Mr. Marchese:** I hope that you do get a meeting. I think that even when we disagree with people, we owe them the courtesy of a public discussion and open disagreement, if that's the case.

**Mr. Svensson:** Please understand, there's nothing personal in this. It's a dysfunctional system, it's a broken system, and I feel as sympathetic for the bureaucrats as I do for the excellent MPPs that serve in our Legislature. We've got quality people. Frank D'Onofrio and I have had many discussions, and we don't always agree, but we still get invited to serve on a committee if we're doing driver handbook revisions, and we still get invited to speak if it's an AMBA conference. There's not a personal issue here. I just want to keep this focused on the fact that we have a dysfunctional delivery system which is not going to get better unless we actually implement some expertise to fix it. You can't believe how frustrating it is for me to spend so much time in the US because they want our system, and I'll guarantee that within two years they'll take all these ideas and they'll sell them back to us.

We've already lost jobs here in Ontario. We've had legitimate schools fold because they can't compete with people who don't do the program. I don't think this legislation is going to make our job of improving driver education any easier. I'm still excited and passionate that we can make a difference.

**The Chair:** Thank you for your passion. We appreciate your being here today.

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#### CANADIAN AUTOMOBILE ASSOCIATION ONTARIO

**The Chair:** Our last delegation for this morning is from the Canadian Automobile Association, Kris Barnier. Have I pronounced that correctly?

**Mr. Kris Barnier:** Yes, you did. Thank you.



**The Chair:** Good morning. Thank you for coming. You have 15 minutes. When you begin, could you say your name and the association that you represent. Should you use all the time, there won't be an opportunity for us to question you, but if you do leave some time, each party will get an opportunity to question you.

**Mr. Barnier:** Thank you, Madam Chair. My name is Kris Barnier, and I represent the Canadian Automobile Association. We have three clubs across Ontario that comprise two million members.

What I want to point out today is that there are a number of measures in this bill that the CAA does support. We do recognize that there are some measures in this legislation that are going to get traffic moving again, that are going to protect consumers, construction workers and others. Certainly in a lot of regards, we think the government is headed in the right direction.

Given the limited time that we have today, I'd like to focus on some of the concerns that we have with the legislation as it's currently worded. Specifically, we have some concerns around the use of pre-emptive devices; that's in our section on technology, and I'll get into that in a little bit. There are some measures that would allow more vehicles to possibly use the shoulders on provincial highways. There are also some concerns that we have around HOV lanes. Finally, there are measures in the bill that would allow for the expansion of certain pilot projects, and we have some concerns in that area too.

I'd like to start with HOV lanes. I want to point out that Minister Takhar's office has been very helpful with a lot of our concerns, and his staff has put us in touch with ministry officials who have explained to us how certain proposals are going to work. One of those areas, specifically, is the new HOV lanes that actually currently are under construction on Highways 404 and 403.

Right now, based on the designs that are there, we support those current designs. Our feeling is that we recognize the ministry has done its homework and is going to use the safest design standards to construct those new HOV lanes. We certainly are very glad to see that there are going to be policing pockets there, and we understand that there will be adequate policing resources to make sure that people are properly using those HOV lanes. We also understand that the government will be launching an education strategy to let people know how to properly enter and exit the HOV lanes and for those lanes to be used properly. We think that's an absolutely crucial thing that needs to be done. We think that motorists should be informed as to what the penalties are going to be if they don't properly use those lanes. Certainly the police enforcement element is something that needs to come along with that as well.

One of the areas of concern we have is that the legislation, as currently worded, would allow the minister to designate any lane an HOV lane. While we certainly support the HOV lanes that are under current construction, those are net new lanes. Our concern is that if we start taking away capacity in existing lanes, we're going to create more congestion on our roadways, and that's

bad for our environment. We know that congested highways are a safety concern, and we also know that with millions more people coming to the Toronto area in future years, that's going to put additional strain on our existing highway system. While we actively encourage our members to take transit if it's an option for them, or to carpool if possible, there has to be the realization and understanding that that isn't an option for everybody. For that reason, we have a concern with the legislation as is. We would be satisfied if the legislation were amended to note that the minister would have the ability to designate any net new lanes as HOV lanes.

Our second concern is basically around the use of pre-emptive devices at intersections. Currently, my understanding is that some emergency vehicles and some transit vehicles have the ability to use technology in their vehicles that would allow them to change a red light to a green light or do something that would allow them to get through intersections faster. We see this as something that is a good thing for emergency vehicles. Certainly ambulances, police and fire should have the use of that technology to be able to get to incidents faster. We see that as a safety concern, and giving emergency vehicles the use of that technology is something that we support. But our understanding is that this section would basically enable transit buses and other possible transit vehicles to make use of this technology in the future to a greater extent. Certainly we understand that we have to keep transit moving, but nonetheless, if you're going to allow buses and other vehicles to use this at will, there could be future implications for how that's going to delay traffic for motorists. Motorists have a right to get to where they need to go too. If motorists are stuck at intersections, they're idling, and that's bad for the environment, and certainly if goods are stuck in traffic, then that's an economic concern as well.

We don't support this section as it's currently set. We do want to note that we support pre-emptive devices for emergency vehicles, but we have some real concerns about its expanded use for transit vehicles. We couldn't support this section unless we had some more clarity as to what exactly those rules and circumstances would be.

Another section we have some concerns about is section 23. Basically, this section allows certain types of vehicles to use the shoulders on King's highways. Currently, our understanding is that in Mississauga on a section of Highway 403, transit buses are allowed to use the shoulder during—of course, the ministry has put in some regulations governing when buses can use HOV lanes, under what speed limits and times of day and whatnot. But we have some concerns about the use of the shoulder, because our view is that the shoulders are there for motorists who run into trouble. That's a safety net for motorists. The other element is that emergency vehicles also need those shoulders to be able to get through. If a bus is operating on the shoulder, if an accident happens, that bus might have some difficulty getting back into the regular lanes of traffic to let emergency service providers through. Certainly, if a motorist is having a problem—I



actually spoke to a member a couple of weeks ago who was having an asthma attack and needed to pull off to the shoulder. Had that member been having an immediate attack and a bus was coming down, that would create a safety threat. That motorist wouldn't have a place to go.

We recognize that to date there haven't been any incidents related to this policy on Highway 403 in the Mississauga area, but we have some real concerns moving forward if this practice is expanded or continued. For that reason, we don't support this specific proposal.

The last section that I wanted to bring to the attention of this committee is regarding the implementation of pilot projects. We recognize that any government needs to be innovative and needs to look at new ways of removing snow or transporting vehicles or transporting goods and services. But the current legislation talks about the regulatory power extended to the government to just move forward with pilot projects. In a lot of areas it talks about how the pilot project would pre-empt existing legislation. Some of the specific acts it talks about—I'll quote:

“(2) Under a project authorized or established under subsection (1),

“(a) persons or classes of persons may be authorized to do or use a thing that is prohibited or regulated under this act, the Dangerous Goods Transportation Act, the Motorized Snow Vehicles Act, the Off-Road Vehicles Act....” and it goes from there.

One that really throws an alarm bell for us is the Dangerous Goods Transportation Act. While we recognize that the ministry needs to move forward with innovative solutions, and pilot projects are a way of doing that, we think there has to be an element of public consultation built in beforehand. While we recognize that this government and previous governments have had a fairly good record on consulting with stakeholders, we want to see built right into the legislation that public notice be given: We think 180 days is reasonable. It allows the ministry to move forward while still allowing stakeholders the time to get their opinions together and present to ministries. There might be information that stakeholders have about why even a pilot project would be a dangerous or bad idea.

We also think there should be clear guidelines in terms of how long pilot projects last. There also has to be communication to the public to let the public know that these things are happening. Finally, we think that once these pilot projects are completed, the government should be mandated or should be required to report back to the public before a final policy decision is made on whether the pilot project will be expanded into general policy. Thank you.

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**The Chair:** Thank you. You've left just under two minutes for each party, beginning with Mr. Ouellette.

**Mr. Ouellette:** Thanks for your presentation. You touched on a lot of the points that I brought up with both the minister and the senior bureaucracy. A couple of

quick questions: Do you have any amendments or will you be presenting any amendments for the HOV lanes?

**Mr. Barnier:** Yes. They are actually written right into the proposal you have.

**Mr. Ouellette:** OK, and the same with the pilot projects. What sort of projects do you envision? I wouldn't have thought they would need specific legislation unless we're talking about something rather dramatic that would require legislation to bring a pilot project in. We see painted lines on the highways on a regular basis and other things taking place, whether it's the sensors or the salt changes that the MTO has brought forward. What sort of ones would you envision at the CAA?

**Mr. Barnier:** The problem here is that the legislation allows so much flexibility and there are no specifics here, so who knows what things could be raised? Dangerous goods transportation—who knows what requirements could be changed in terms of the types of vehicles used or times of day? To take it back to HOV lanes or allowing vehicles to use the shoulder in certain areas of Ontario, those are the sorts of things that could be pilot projects. If there's not a built-in consultation process beforehand, we see some dangers there and it definitely raises some alarm bells for us.

**Mr. Ouellette:** Thank you very much. Those are all my questions.

**Mr. Marchese:** Thank you, Kris. Speaking to the issue of high-occupancy vehicle lanes, are you familiar with a number of jurisdictions in the US that are already using this as a practice?

**Mr. Barnier:** We have looked at that. Specifically, studies have been done in Texas where there are concerns about HOV lanes and the number of accidents that happen when vehicles are moving from one lane to the other. We have met with the ministry and I personally have spent a lot of time talking to the ministry about our concerns in this area. We understand that the design processes they're implementing now are the safest ones that would exist in North America because they are going to have clear on-and-off points, and there will be policing.

**Mr. Marchese:** In the Texas example, you talked about problems. Is there anything you've looked at that speaks to the positive about this?

**Mr. Barnier:** The positive is from an environmental perspective.

**Mr. Marchese:** Of course, but does it work in some jurisdictions?

**Mr. Barnier:** Our understanding is that in some jurisdictions, it has been successful in getting people moving.

**Mr. Marchese:** So we should look at that, right?

**Mr. Barnier:** Absolutely. We agree that as net new lanes, it is a positive thing, and we see a benefit in looking at it.

**Mr. Marchese:** Your submission only speaks to negatives. It almost says we shouldn't be doing it, rather than saying let's do it with whatever measures need to be put in place to make sure it works well.



**Mr. Barnier:** No, I think my submission clearly states that we support the existing HOV proposals that are moving forward, and we will support HOV lanes based on these criteria being met, net new lanes being one of those things, proper policing—

**Mr. Marchese:** So new lanes?

**Mr. Barnier:** Yes.

**Mr. Marchese:** And you think creating new lanes is OK environmentally?

**Mr. Barnier:** If it's going to get traffic moving, yes. The reality is that in the city of Toronto in the 1970s they stopped building expressways. At that time, 69% of trips were taken in cars. Today, with no new highway expansion in the last 30-some-odd years, it's still 69%.

**Mr. Marchese:** Kris, you say your association actively encourages your members to take transit. How do you do that? I'm not familiar with what you're doing in that regard.

**Mr. Barnier:** In media interviews or any opportunities like that, we get out and we encourage our members, certainly with gas prices being out of control. I've personally done a number of radio and media interviews where I've said to our members, "If transit works for you, if it's available, if it's going to get you to where you need to go, we recognize it as an environmentally friendly solution and we encourage you to take it, if it works for you." The same thing with carpool lanes.

**The Chair:** Thank you. Our next questioner is from the government side.

**Mr. Lalonde:** In answer to your concern about HOV lanes, yes, the HOV lanes will be accessible to buses and emergency vehicles, definitely. Also, when we talk about pollution, we're trying to reduce the pollution and we're trying to reduce the traffic congestion. It would definitely encourage people to get in the car with other people. If they travel from Oshawa, for example, and there is an HOV lane, it would reduce the time to get to work. Those are the main purposes of those HOV lanes.

**Mr. Barnier:** We recognize those benefits, and that's why we support them as net new lanes. But the reality is, if a car is stuck in bumper-to-bumper traffic, it's nine to 10 times the amount of concentrated pollution as a car that's travelling 90 to 100 kilometres an hour. That's why we support net new lanes of traffic and that's why we support this specific measure, as a positive thing that's going to encourage people to share their vehicle with other people. But if you're talking about taking away existing lanes and turning them into HOV lanes, the problem is that not everybody has the ability to find people to carpool with. People leave at different times of the day; they live in different cities. You have to be realistic about that element of it. So in summary, net new lanes—absolutely support it, provided our safety criteria are met. But if we're talking about taking away existing lanes, we do have a problem with that.

**The Chair:** Thank you very much for your delegation. We appreciate your being here today.

Committee, we are now at 12:05. We have 23 delegations this afternoon, so if you could be back promptly at 1 o'clock, we'll get through the other people

who want to see us. This committee now stands recessed until 1 o'clock.

*The committee recessed from 1206 to 1300.*

## INSURANCE BUREAU OF CANADA

**The Chair:** I call this meeting to order. We begin our public session this afternoon with the Insurance Bureau of Canada. Would Mark Yakabuski, vice-president, federal affairs and Ontario division, be here?

Good afternoon. Before you begin, could you identify yourself and the organization you speak for, for Hansard. When you do begin, you will have 15 minutes. Should you use all of your time with your deputation, there will be no opportunity for the three parties to ask questions or make comments about your deputation. When you begin, I'll time you.

**Mr. Mark Yakabuski:** Thank you very much, Madam Chair. I will not use all of my 15 minutes with remarks; I'll be very brief. I'm Mark Yakabuski. I'm the Ontario and federal affairs vice-president of the Insurance Bureau of Canada. The Insurance Bureau of Canada is the national trade association representing automobile, home and business insurers across Canada, and certainly here in Ontario. As an organization, historically we have been very involved in issues of road safety as the representative of auto insurance companies across Canada. In fact, most recently, we sponsored Injury Prevention Month in North Bay, which proved to be a very great success. We focused on messages in that community enjoining people to spend more time trying to play and drive safely in their homes, cars and businesses. The effort was very well received in North Bay this past February. It was indeed Injury Prevention Month there.

This is a very good bill. I commend the members of the Legislature for having brought this bill so far. I commend the minister for having introduced this legislation. There's no doubt, in our opinion, that this legislation will improve safety on Ontario's roads, and that is to be commended.

I would, at this time, want to salute the efforts of many people who have helped in the drafting of this legislation; in particular, the work of Saäd Rafi, who left last Friday as Deputy Minister of Transportation. I and many people in our organization had the opportunity of working with Saäd over a period of years in transportation and in other ministries, and I want to say that he was an outstanding member of the Ontario public service who provided great strategic direction to the various governments he served. He will be a loss to the Ontario public service. Having said that, there are many other dedicated people in the Ministry of Transportation who have helped with this legislation over the years.

I want to particularly commend some parts of this legislation. That isn't to say I don't commend all parts, but I want to particularly mention, for example, the increasing of fines for people who speed and commit other offences in construction zones. This recommendation was brought forward by a number of groups in the



past, and we are very pleased to see it enshrined in this legislation.

Equally, the increased inspection of transport trucks on our highways is very welcome. With the increased transport truck traffic we are seeing on our highways today, it is absolutely vital that we ensure these very large vehicles are driving safely on our highways.

I want to spend just a few moments on the issue of beginner driver education, which is referenced at considerable length in this legislation. The government is finally giving itself the power to properly regulate the beginner driver education sector in this province. This is tremendously overdue.

The driver training system of this province would effectively not exist were it not for the substantial discounts that automobile insurers give to young drivers—and to new drivers of all ages for that matter—upon completion of a driver training course. The driving schools would go out of business if people did not have that incentive via the insurance system. So we, as the insurance community, have a real responsibility to guarantee that people are receiving proper quality instruction when they sign up for a driving course. Unfortunately, we have to say that hasn't been the case in Ontario for some period of time.

We have worked closely with the Ontario Safety League—and they will be making a representation to you shortly—over a number of years to try to improve the enforcement of standards in the beginner driver education sector in this province. Without the proper regulatory authority to do that, the government has not been able to properly discharge that important task. With the legislation you have in front of you today, you are now going to have the proper dispositions necessary to carry out this task. I am very delighted by that, and we are quite confident that this will improve the quality of driver education in the province of Ontario.

I have one caveat, however, and that is that these legislative dispositions have to be followed up as quickly as possible with the implementing regulations. They of course will be totally without effect unless we have the regulations to back them up, and we need to see those regulations at the earliest possible opportunity. We obviously would like to work with the ministry in that regard.

The last thing I would bring to your attention is the area of the bill that deals with clearing highways after accidents and such. We agree that this is an important thing. We have talked to the ministry and the government for some period of time about the importance of clearing highways after an accident, and we totally share that objective.

My one concern with this legislation is that the way it is worded it's a bit of an open-ended clause. Basically, you're saying that if there is a major disturbance on a highway, the owner of the vehicle and the cargo of that vehicle—for example, if you have a transport trailer overturn—is liable for the cost of cleaning up that area. Effectively what you're saying is that the insurance

system is going to be liable for the cleanup, because most people will have insurance. By law they have to have insurance; we hope they have insurance. Those costs will be borne by the insurance system.

We are asking you, in the representation I'm making here today, to add one word to that clause; that is, that "reasonable" costs for highway clearance will be the responsibility of the owner of the vehicle and cargo. That allows the government and the insurance industry to make sure we are not presented with bills that are totally exorbitant for the efforts involved. I think you would agree with me that that kind of language is necessary, as we all share the objective that we need affordable insurance rates in Ontario.

The last thing I'd simply add to that section is that in order to make the section operable, we believe you need a regulation-making power that would allow the government to set out what reasonable costs are, in some cases, for the clearance of vehicles and cargo. We've suggested a clause here that would give the government regulation-making power.

That's the extent of my remarks, Madam Chair. I certainly appreciate the opportunity to appear before this committee today. If you have any questions, I'd be happy to answer them.

**The Chair:** Thank you. We have about two and a half minutes for questions, beginning with the official opposition.

**Mr. Ouellette:** Thank you for your presentation. What percentage decrease in insurance premiums should we see as a result of this legislation?

**Mr. Yakabuski:** What percentage of premium decrease? Since we've seen a 15% reduction in the average insurance premium since November 2003, we believe that these sorts of measures are necessary to continue the affordability of insurance in the province of Ontario.

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**Mr. Ouellette:** So you don't have a kind of set figure that would say—

**Mr. Yakabuski:** We haven't seen any regulations to implement these things. These are what I call preventive maintenance to ensure that we do not have increased collisions, increased injuries, increased deaths on our highways.

**Mr. Ouellette:** What stats do you have that show that increased fines equate to a decrease in incidents? Do you have anything from other jurisdictions?

**Mr. Yakabuski:** What I can tell you is that if someone has a major speeding fine on their insurance record, they will be subject to at least, say, a 15% increase in their insurance costs for a three-year period of time. That equates to a fairly significant disincentive. I can assure you that a lot of people have to think twice about paying that kind of money for insurance if they are subject to a doubling of those fines.

**Mr. Ouellette:** You stated that the regulations are so important to back it up. Isn't enforcement more of a key point to focus on as opposed to the regulations? Without the enforcement, it doesn't matter. As I stated earlier on,



we can do all the things we want. As long as people think they can get away with it, they'll continue on in the actions they do.

**Mr. Yakabuski:** I totally agree with you that enforcement is absolutely vital, but as you know, in order to take a piece of legislation and make sure that it can be worked out on a daily basis, you need regulations. So you need both regulations and good enforcement. I totally agree with you.

**Mr. Ouellette:** My time is just about up. Thank you.

**Mr. Marchese:** Mr. Yakabuski, you mentioned that you're happy that there is increased inspection. That's the terminology you used.

**Mr. Yakabuski:** Yes.

**Mr. Marchese:** What does it actually say in this bill that they're going to do?

**Mr. Yakabuski:** I'm trying to quickly present to you what the bill does. I think you're referring to the inspection list. I was referring to the inspection list of pre-trip items that need to be looked at before a truck is put on the road. That list has been expanded from 23 items to 70 items.

**Mr. Marchese:** You weren't here this morning, for obvious reasons; you can't be here the whole day. I asked about a problem we have in terms of inspection and inspectors. My fear is that there could be a legitimate claim about not hiring 70 inspectors that some say are not being rehired, so that as they leave, they don't get rehired. The ministry wasn't clear about what it's doing in that regard, and my fear is that it's probably happening. They're saying they are doing a review of that. I don't know what that review is doing, but what I suspect is happening is that we have an increased number of trucks but we don't have an increased number of inspectors as it relates to that.

That worries me a great deal. It worries you, because you mentioned it a number of times. It worries Mr. Svensson from the Driving School Association of Ontario, who said, like you, that in the last five years since the changes were made in the year 2000, very little has happened by way of enforcement as it relates to driver education. You include this as a serious problem as well. Clearly, something is going on.

When we introduce tougher regulations, which I support, my fear is that without proper enforcement, in spite of the government saying, "We're going to do it," it may not happen, in which case it might make the situation worse.

**Mr. Yakabuski:** Very similar to the response I gave to the other honourable member, the regulations are vital to making this law something useful that we can deal with on a daily basis, and enforcement is very important. I think it's up to this committee, and it's up to key stakeholders, the insurance industry and other industries to work with the government in a collaborative way to ensure that the right kind of resources are put toward enforcement. I can assure you that we are very much committed to ensuring in our work with MTO that once this legislation is put in place, once the regulations are

passed by cabinet, we would like to see the right enforcement resources to make sure that it happens.

**Mr. Marchese:** So do we.

With respect to the addition that you want to include under the "Reducing congestion" problem, where you want to include "reasonable costs," have you had discussions with other ministry people, civil servants and/or political staff, in terms of what they're thinking about your suggestion?

**Mr. Yakabuski:** I have not had an opportunity yet to talk to political staff about this issue. I advised certain people that this is the sort of issue that we would normally be concerned about. In any area where you're basically saying that a party is liable for 100% of the costs, you have an obligation to ensure that these costs are reasonable.

**Mr. Marchese:** Thank you.

**Ms. Deborah Matthews (London North Centre):** I want to go back to a couple of points you made and refer to an earlier submission we had from the Ontario Trucking Association. David Bradley, the president of that association, made some suggestions, and I just want to understand that you are both making the same suggestions.

He's recommending that there be a fee schedule for towing charges. I think that you're getting at the same point with the inclusion of "reasonable."

The second point is that he suggests that we require accident cleanup insurance, that all truckers have that. I think you said that they are required to have that.

I just wanted to clarify those two issues, if you would, please.

**Mr. Yakabuski:** We're totally on the same wavelength with respect to a fee schedule. What we have put forward today, at the end of our submission, is a draft clause giving the regulation-making power to the government to set up things like a fee schedule. My concern is that currently this legislation does not have this kind of regulation-making power. From our experience in the past, if a piece of legislation does not have a reasonably specific regulation-making power, you won't be able to do this. I think that by not having this kind of regulation-making power, you could possibly thwart the intentions of this legislation. It is a regulation-making power to set things like fees for towing, storage, removal of cargo etc.

With respect to accident cleanup, our understanding is that in every automobile insurance policy and every trucking insurance policy, you have coverage for what we call third party liability. If you cause damage to another party, you potentially could be sued or liable for certain costs, and that would characteristically pick up those costs. Most people have \$1 million to \$2 million of coverage. I suspect that truckers have more coverage than that. I don't think we need accident cleanup insurance. What we need are regulations that allow a fee schedule for these operations, in my opinion.

**Ms. Matthews:** Thank you very much. Now I'm going to, if there's time left—



**The Chair:** Actually, whoever is asking the question has 30 seconds.

**Mr. Lalonde:** As I can see, you are definitely supportive of provincially regulated driving school standards that we have to put in place. At the present time, could you tell us if the drivers who have taken the course under a provincially regulated driving school get any type of credit when they buy their insurance?

**Mr. Yakabuski:** Absolutely. Today, most insurance companies offer quite a significant discount for new drivers. It might vary from 10% to 15% on the amount of insurance you're paying, which is quite considerable. Our concern, to the parliamentary assistant, is that we cannot continue to offer those sorts of discounts if the quality of the instruction is not being ensured. That's why we really need to work together to make sure that we have standards that this bill now puts in place and that we enforce those standards together.

**The Chair:** Thank you, Mr. Yakabuski. We appreciate you being here today.

#### ONTARIO SAFETY LEAGUE

**The Chair:** Our next delegation is the Ontario Safety League, Brian J. Patterson, president and general manager. Welcome, Mr. Patterson. If you could identify the group that you're speaking for and your name. When you begin, you will have 15 minutes. Should you speak for the total time, there won't be an opportunity for questions or comments to your delegation. Should you leave time, we will all get an opportunity to ask you questions.

**Mr. Brian Patterson:** As a point, Madam Chair, we won't be speaking for the entire time, because we would like this to be an opportunity to exchange with some members on points that we're going to bring up.

I am Brian Patterson. I'm president of the Ontario Safety League. It's my pleasure to speak to the committee today on what we believe is a significant and very much-needed refocusing of issues surrounding highway safety and public safety in the province of Ontario.

Since its founding in 1913, the Ontario Safety League has always played a significant role in promoting, advocating and educating the public to create a culture of safety within our community. As outlined in the mandate of our organization, we are dedicated to reducing preventable deaths, injuries and destruction on Ontario roads through public education and safety awareness. Through our motto, "Safety through education," we have always strived to be an active partner in Ontario's coalition of safety organizations.

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I guess we are probably best known for Elmer the Safety Elephant in schools. As I mentioned to one of the members, in 1913 the big issue for the Ontario Safety League was motor vehicles and horses on the streets of Toronto. I can assure the committee that that has not been a problem during my mandate.

We firstly would like to consider Bill 169 as a step forward. It has many useful elements which we support

in the mutual mandate of public safety, and that you've heard from partners that we sit with on a regular basis: the Ontario Trucking Association, the Ontario insurance bureau and the Canadian Automobile Association.

Firstly, as other speakers have said, we commend the inclusion of safety zones around schools in our province. Although it's not the only method of educating the public, specifically the issue of doubling fines, it is within these zones that we can highlight the significance of driver misconduct and the risk associated with that type of behaviour. The doubling in the new regulation will empower municipalities to create those zones in those areas.

As it's currently structured under the Municipal Act, it's quite burdensome for a municipality to identify an area as a separate safety zone. There's a whole series of measurements required and traffic flow counts, and many municipalities can't find the resources to do that when, in fact, like for everyone here today, the safety of children in a school area is paramount at all times.

Secondly, we believe that the construction zone also is a proper safety move, the doubling of education around the high risks associated with driver misconduct in construction zones and the carnage that is created through the misconduct of drivers. Construction personnel have been in many cases injured and often killed as a result of reckless behaviour.

However, we don't believe that the document goes far enough with respect to the issue of the enforcement tools required. We believe that the ministry, under the new regulation, must move more quickly to undertake enforcement models that will drive home the fact that this change is not only operational in safety zones and construction zones but much required, and must be implemented to save lives. In fact, we believe that it is inspectors, enforcement, education and re-engineering that will drive the safety model in this province.

Clearly, the issue of inspection comes up regularly. As the president of the Ontario Safety League, I have spent every long weekend this summer on cottage patrol with the Ontario Provincial Police, the Ministry of the Environment and the Ministry of Transportation enforcement units. As anyone who listens to a radio or watches television during that period knows, we have pulled a significant number of junk vehicles off the roadway that place every driver in this province at risk. It is not clear how we simply focus that enforcement during that period when, in fact, those vehicles, if they didn't get caught on the long weekend, would be driving to work the next day, and many of them ought to have been sent to the crusher right on site.

We believe that all motorized vehicle education within the province must be regulated by one body, and that appropriate models currently exist to expand and adopt the best practices in motor vehicle training from across North America, in many cases adopting the highest international standards to best ensure public safety. To simply focus on new driver education and its inclusion into regulations is, in my opinion, not good enough. We



have motorcycle training, we have truck training completely unregulated and potentially addressable within this bill, but that impetus has not come forward at the present moment.

On the safety side, I sit on the Canadian council of safety associations. We have some very significant concerns arising from all-terrain vehicles, snowmobiles and the carnage that that is starting to create in non-urban areas, as well as the absurd position that we're now selling motorized scooters for private-property use. I can assure the members of this panel that those pocket-sized motorcycles are not going to race up and down a small driveway in Scarborough. They are crossing the roadways, they're interfering with traffic, and they're placing pedestrians at risk. We've allowed them to come into the province without ever really addressing them. Bill 169 allows for immediate pilot projects to deal with that. It will allow for an opportunity to address that, and we can go positively in that direction.

There are a number of points previously discussed by organizations related to Bill 169, and we hope that the committee considers some of the issues that we'd like to bring forward. Extreme driving, which includes both aggressive driving at high speed, and the ongoing difficulties related to street-racing enforcement require consideration and also have to be directed through this bill. We propose that one method to address this issue is the immediate administrative suspension of any motorist travelling 50 kilometres above the posted limit and that subsequent incidents result in a 10-day penalty. This would be an administrative suspension, clearly driving home the premise that driving is a privilege in this province.

We believe that we are not addressing the at-the-scene issue in as timely a manner as is required. We know that many drivers who have been correctly charged cannot be dealt with in the volumes currently under the justice system, and many simply slip through the cracks and continue that unsafe practice on an ongoing basis. It is an urban issue, but in many rural areas of this province, street racing is as deadly as it can be on the 400 series highways.

We believe that Bill 169 will start to close some loopholes that are apparent to the stakeholders. It was a surprise to me to find that traffic police officers in the province currently cannot access the digital photograph of a driver at the scene if that driver does not have his licence present. So I can identify myself as someone else and be allowed to leave the scene if I know the date of birth and address etc. and meet the general physical characteristics. We believe that we can address that with Bill 169. It should address that quickly, because at the present moment, it puts both police officers at risk at the time of the stop and allows a significant number of people to travel our highways without fear of being caught by the police. The technology exists within the police departments, and it's an inter-ministerial problem with regard to the privacy and transfer of information between one ministry and the other and to the police. It's not helpful.

We believe that we have to significantly continue to enforce the commercial motor vehicle inspection program. Nothing in the cottage patrol drives home that message more than to see how many unfit vehicles are travelling on 400 series highways on any given day. I can assure the members here present that of the 227 vehicles pulled off the road on a Labour Day weekend, none of them would have left a garage, nor should they have left the driveway. They are not being taken out of service for small, minor incidents.

So I think we really need to look at issues. Safety is the mandate of the Ontario Safety League. We are not a trade organization, a lobby group or speaking specifically for any given organization. We have been the bastion of safety in this province since 1913 and will continue to do so.

Safety is a big issue. Enforcement is significant. During the road check period in the province, one in five vehicles is below the line. That's 20%. You know how many vehicles travel in the urban areas. Some 40% are taken out of service on a daily basis by MTO inspectors. What projects we have need to be upgraded.

I appreciate the time today with the committee, and I hope there's time for questions. Thank you, Madam Chair.

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**The Chair:** There is, just barely. A minute and a half for each party, beginning with Mr. Marchese.

**Mr. Marchese:** Thank you, Mr. Patterson. How much money do you get from the province for the education you do around the various issues that you mentioned?

**Mr. Patterson:** We don't receive any funding from the province of Ontario, currently. We have in the past.

**Mr. Marchese:** But they work with you, in some way.

**Mr. Patterson:** In fact, last Wednesday we were an active participant in the largest car seat safety clinic in the province, and we worked hand in hand with a number of organizations. But funding doesn't come to us from them.

**Mr. Marchese:** Do you share my view that the government has to spend more money to educate the public, as they say they should?

**Mr. Patterson:** I think public education is critical and it shouldn't be left to non-profits and PSAs in the hope that the media will pick up the message. No. I do agree with you.

**Mr. Marchese:** On the issue of enforcement, you and almost everyone else is talking about how the key to safety is enforcement, to a great extent. If you don't have the right people to inspect or police officers or other people on the road to catch the problem as it happens, the problems will continue, no matter what we're talking about.

**Mr. Patterson:** I believe it's enforcement, education and re-engineering. That data has to be appropriately collected so we can change the method—

**Mr. Marchese:** Are the enforcement numbers adequate?



**Mr. Patterson:** I've only been in this job since January, but I wouldn't like to see any inspectors taken away.

**The Chair:** For the government side, Mr. Duguid.

**Mr. Duguid:** Just a quick question. You talked about road racing, which is an issue that, from time to time, especially when there's an occurrence, gets the public's attention, and then when there's nothing for a while, it kind of peters out. Can you just clarify: I didn't quite catch what your suggestion was as to how we should be tackling that.

**Mr. Patterson:** We've looked at the issue. If someone's travelling 50 kilometres or more over the posted speed limit, we want them immediately administratively suspended at the scene by the officer, as we do with impaired drivers. Take their licence and tow the vehicle. It is not sufficient to have someone pulled over, in some cases at great risk to the officer, and then simply have it dropped into the system. In fact, I'm not confident that individuals will be eventually fined at the level in which they were legitimately found to be—I don't think we have an issue of police officers using it as an opportunity to not enforce it correctly, but on any given weekend, you can—well, during one of the blitzes for the cottage patrol, 37 people of the 1,400 tickets would have had their licence removed under our recommendation. That's someone going 150 kilometres an hour on the 400 series highway during the holiday weekend, when there's significant volume. It's just reckless behaviour that is not being caught by the current judicial system, in our opinion, and it will make the roads safer.

**Mr. Ouellette:** Thank you. One of your statements causes question, where you mentioned about garages or licensed certification locations. Do you feel that they should have the ability to pull the plates off or hold a vehicle immediately if they find it's, in their eyes, unsafe?

**Mr. Patterson:** It's an awkward position. I had this occur. As some committee members may know, we've done quite a review of rental vehicles in this province of late. Clearly, a certified mechanic ought to have the ability to not allow someone to come in and leave. At the present moment, if you come in to have a tire changed and they realize you have no front brakes and the brake lines are cracked and your vehicle's not safe to move, you can get in your vehicle and drive home. There's no way of dealing with that. I don't know if we want to give it directly to garages, but certainly the junk I see on these long weekend cottage patrols gives me pause to wonder what people are—

**Mr. Ouellette:** I think it's regulation 911. I think there should be a lot of concern. There are small things like a broken side mirror, for example, which could give the mechanic legal ability to take a vehicle off the road, and small things like that.

You mentioned ATVs and snowmobiles. Do you think that licensing of those individuals or requiring a certification course before you can partake in those activities would be necessary as well?

**Mr. Patterson:** Across the province, for the ATV and specifically the snowmobile, it's the public education requirement. It doesn't necessarily issue around plating the vehicles. There have been some really solid partnerships in getting that safety, but in fact it's not mandatory. We've had a number of children killed under the age of 12 driving ATVs. They flip over. Kids under eight, Sick Children's Hospital—they don't have the cognitive skills to decide whether they should be going on a certain angle on the side of a hill. It's really risky, it's really dangerous, and it's all across Canada. So I think we should take the lead.

**The Chair:** Thank you, Mr. Patterson. We appreciate your being here today.

**Mr. Marchese:** Madam Chair, can we get his report at some point?

**The Chair:** Were you going to submit a written—

**Mr. Patterson:** We will submit written documents tomorrow.

**The Chair:** Terrific. Thank you very much. We appreciate that.

#### OFFICE OF THE FIRE MARSHAL

**The Chair:** Our next delegation has cancelled, which was the Toronto Taxicab Brokers' Association. So we will move on to our next delegation, which is the Office of the Fire Marshal: Carol-Lynn Chambers and Timothy Lee. Welcome. You gave us a handout?

**Ms. Carol-Lynn Chambers:** Yes, we did.

**The Chair:** When you begin, if you could identify yourselves, who will be speaking today, the organization you speak for. You have 15 minutes. Should you leave us any time at the end, we will ask questions.

**Ms. Chambers:** Thank you, Madam Chair. Good afternoon. My name is Carol-Lynn Chambers, and I am operations manager with the Office of the Fire Marshal. I'm very pleased to be here on behalf of Fire Marshal Bernard Moyle to speak on this issue. I'm joined today by Timothy Lee, training officer, also with the Office of the Fire Marshal.

I'd like to thank the committee for allowing us the opportunity to provide comments on Bill 169. Currently, subsection 134(3) of the Highway Traffic Act makes it an offence for firefighters responding to emergencies in their personally owned vehicles to travel on roads that have been closed by a police officer. The act states under subsection 134(2) that "a police officer may close a highway or any part thereof to vehicles..." and under subsection 134(3) that "no person shall drive or operate a vehicle on the closed highway or part thereof in intentional disobedience of the signs or traffic control devices."

Further, subsection 134(4) makes exception to subsection 134(3) for "a road service vehicle or an ambulance, a fire department vehicle, a public utility emergency vehicle or a police vehicle."

The Office of the Fire Marshal is respectfully requesting that an amendment to subsection 134(4) of the Highway Traffic Act be added to Bill 169. This amend-



ment would add personally owned vehicles driven by volunteer, part-time, and/or career firefighters when responding to an emergency to subsection 134(4), thereby exempting firefighters driving these vehicles from subsection 134(3) of the Highway Traffic Act.

We believe there is significant rationale for this request. The Ontario fire service consists of approximately 18,000 volunteer firefighters, 250 part-time firefighters and about 10,000 career firefighters. Many volunteer firefighters, when responding to emergencies, leave from their homes and use their personally owned vehicles. In some cases, career or even part-time firefighters may be on call, and may be required to travel to the fire station in their personally owned vehicles when called to respond to emergencies.

The police department has the statutory obligation to enforce the Highway Traffic Act. Under subsection 134(3), when a road has been closed by a police officer, a firefighter driving a personally owned vehicle would be in violation of the Highway Traffic Act if he or she disobeyed the signs or traffic control devices put in place by the police officer.

When a road has been closed by a police officer, there are a number of possible scenarios that could affect public safety. I provide two examples.

In the first case, a closed road may separate a firefighter from a life-or-death emergency situation, or serious emergency. In this example, a firefighter responding to an emergency in a personally owned vehicle would be required to obey the Highway Traffic Act, or risk being charged by a police officer. This puts the firefighter in a difficult position. He or she would have to make a choice on whether to knowingly disobey the Highway Traffic Act or respond to the emergency. This also puts the police officer in a difficult position. The officer has a statutory obligation to enforce the Highway Traffic Act and could be held liable if he or she allowed the firefighter to travel on the closed road to respond to the emergency. Conversely, if the police officer prevented the firefighter from responding to the emergency, the officer could be subjected to liability, particularly if the emergency resulted in a death or serious injury.

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In the second example I provide, a closed road may separate a firefighter from the fire station. Firefighters may live in an area where a road has been closed. This would pose a problem if they were called to the fire station to respond to an emergency. Currently, under the existing legislation, they would be committing an offence if they used the closed road to get to the fire station. The existing wording of the Highway Traffic Act puts both the police officer and the firefighter in the personally owned vehicle in a very difficult position. Furthermore, this could jeopardize public safety for the residents of Ontario who experience a serious emergency in an area where a road has been closed.

Arguably, it was never the intention of the government, we believe, to enact legislation that would prevent firefighters from attending to an emergency. Given that

this is the potential result, we believe it is important to support adding this amendment in the primary interest of public safety.

By way of background, the Office of the Fire Marshal first became aware of this issue in early 2004 when a volunteer firefighter responded to an emergency in the North Bruce Peninsula in his personally owned vehicle on a road that had been closed by police. The firefighter was involved in an accident and the insurance rate of the volunteer firefighter subsequently quadrupled. The firefighter was not charged with an offence. The incident raised serious concerns for public safety and firefighter safety and the possibility of the resignation of volunteer firefighters unwilling to risk having their insurance rates increase or being charged by the police.

In December 2004, under the authority of the Fire Protection and Prevention Act, the Office of the Fire Marshal issued a communiqué, which we've included in your package, to fire departments that recommended certain procedures be implemented immediately to reduce the risks to firefighters and the public.

In January 2005, a meeting was held to examine long-term solutions to address the closed road issue. Meeting participants included representatives of various stakeholder groups and organizations, such as the Ontario Ministry of Transportation, the Insurance Bureau of Canada, the Ontario Provincial Police, the Ontario Association of Fire Chiefs, and the Fire Fighters Association of Ontario, which represents volunteer firefighters. A number of these representatives are present today. The meeting resulted in the development of a five-point strategy. A second communiqué was sent on March 7, advising the fire service of the five-point strategy. We've included that second communiqué in your package.

Public and firefighter safety was a major concern to all of the stakeholders that were involved in these discussions. Working together, the group developed a series of documents, which have been distributed to all stakeholders for comment. It is anticipated that these will be finalized later this month.

These documents that comprise this five-point strategy include an emergency road closure protocol for police and the fire service. This would provide guidance on establishing local early-notification procedures of fire department personnel when the need for a road closure arises. The second document is a public fire safety guideline titled Firefighter Response in Personally Owned Vehicles. This would provide information to policy-makers and fire officials about the value of developing contingency plans, response protocols, guidelines and policies that stress the importance of safe driving practices in personally owned vehicles. A standard operating guideline entitled Firefighter Response in Personally Owned Vehicles has also been developed. This includes a teaching plan to increase firefighter knowledge about safe driving practices, the responsibilities they have and other issues related to responding in personally owned vehicles. The final document is a communiqué from the Insurance Bureau of Canada that clarifies insurance



issues and supports forgiveness of volunteer firefighters with good driving records who may be involved in an accident while responding to an emergency.

In closing, the Office of the Fire Marshal has worked closely with all relevant stakeholders to address public and fire safety issues for firefighters responding to emergencies in their personally owned vehicles on closed roads. However, to fully resolve the issue, the Office of the Fire Marshal respectfully requests that the standing committee on general government recommend that an amendment to subsection 134(4) of the Highway Traffic Act as requested be added to Bill 169.

**The Chair:** Thank you. You have left about two minutes for each party to ask questions, beginning with the government side.

**Mr. Lalonde:** Thank you very, very much for coming down and making this presentation today. Being a rural area representative, I could tell you that this information that you are giving to this committee today—I'm sure there are over 18,000 volunteer firefighters who are watching this presentation today.

I'm going to ask you one question. In the rural areas, whenever there's a fire—and everybody carries a pager—at the present time, do they have to report to the fire hall before they get down to the fire location?

**Ms. Chambers:** I'm going to ask Tim Lee to answer that question. He has worked on the detailed procedures for this.

**Mr. Timothy Lee:** Thank you for that question. It's good to be able to provide some clarification and understanding because I think that leads to better legislation, for sure.

Every fire station and every municipality is different in terms of their needs and circumstances. The Office of the Fire Marshal encourages fire chiefs and local municipal officials to develop the very best procedures that work according to those needs and circumstances. It may be that in some cases they do go right to the station. In many other cases, that is not the procedure. It differs in every municipality.

**Mr. Lalonde:** You're right. We were told just last week that the police are going to enforce it right now and they won't let volunteer firefighters go whenever they block the road.

I will leave the other question to my colleague.

**Mr. Rinaldi:** Just a quick question. Like Jean-Marc, I come from a rural community where the majority of my firefighters are volunteers. Somewhat related to this, one of the things that municipalities struggled with in having volunteer firefighters get to the scene as quickly as they could, in many cases in their own vehicles, was the liability. So it's somewhat tied in to this. Would that still not play a big role: municipalities assuming a lot of responsibility when they go with their own vehicle, whether it's a closed road or not?

**Ms. Chambers:** Tim's worked on an earlier issue related to insurance coverage. So again, I'll defer to Tim to answer that detailed question.

**Mr. Lee:** As you know, Bill 40, which was introduced in 2004, provides insurance rate protections for personal auto insurance rates of volunteer firefighters or professional firefighters when they're driving fire department vehicles. When they're driving a personally owned vehicle, that bill does not apply.

Municipal insurance is provided by municipalities for fire department vehicles. They do not extend it to the personal vehicles of volunteer firefighters. Therefore, it's very important that we look at that aspect as it relates to this issue of the response on a closed road. Certainly, if they're charged with an offence and they accumulate demerit points, it can affect their personal auto insurance rates. So that's why it's very important that they be given this legal ability to travel on a closed road and not be charged.

**The Chair:** Thank you. Mr. Ouellette.

**Mr. Ouellette:** I'm just happy to say that I'd be glad to support such an amendment.

**Mr. Lee:** Thank you very much.

**Mr. Marchese:** One of the questions I was going to ask you is, who, in your view, would be objecting to the inclusion of this amendment? Clearly, if anyone, it would be the insurance companies, possibly. Who would it be?

**Ms. Chambers:** We haven't yet identified a strong opponent to this issue. I think everyone is working in the interest of public safety on this particular issue. We believe it's a win-win, from our dealings. We have had, as I mentioned, the Insurance Bureau of Canada involved at every step along the way, working co-operatively on this.

**Mr. Marchese:** Clearly the volunteer firefighters would not get involved in some of these situations, even though they would like to, because of the liability. Inclusion in this would eliminate the liability problem, obviously.

You've discussed this for quite some time, and the ministry is aware of it, I'm assuming—political staff and civil servants. Haven't you had discussions with them about the inclusion of this amendment?

**Ms. Chambers:** The Ministry of Transportation has been involved on the working group for this. Yes, we have had staff from the Ministry of Transportation. Tim, did you want to add to that?

**Mr. Lee:** It's our understanding that there will be something added to this afterwards. So we're just waiting to see how that goes.

**Mr. Marchese:** OK. I guess we'll be hearing more from the parliamentary assistant or the government members at some point. It seems to me like an eminently good reason to include your amendment. So I guess we'll be supporting it.

**The Chair:** Thank you very much for your presentation today. We appreciate you being here.

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#### GREATER TORONTO AIRPORTS AUTHORITY

**The Chair:** Our next presenters are the Greater Toronto Airports Authority, Mr. Steve Shaw. Good after-



noon. If you'll both be speaking, if you could both identify yourselves and the organization you speak for. When you begin, you'll have 15 minutes. Should you use all of that time, there won't be an opportunity for questions or comments afterwards. Any time you begin, I'll begin the timing.

**Mr. Steve Shaw:** Thank you, Madam Chair. Good afternoon. My name is Steve Shaw, and I'm vice-president of corporate affairs for the Greater Toronto Airports Authority. With me today is Tim Dougherty, my colleague. He's manager of commercial vehicle operations with the GTAA.

We're very pleased to have this opportunity to provide our view on one important issue. We're here today to convey the strong support of the GTAA for the government's proposed amendments to the Highway Traffic Act contained in Bill 169 that are aimed at eliminating the dangerous practice of illegal taxi operations across Ontario. In particular we refer to section 4, which amends section 39.1 of the Highway Traffic Act, part IV.

As you may know, illegal pickup of passengers by individuals without the requisite licensing continues to be a serious problem throughout Ontario. However, the practice is particularly focused at Toronto Pearson International Airport. The GTAA has gone to great lengths over the years to try to eliminate this illegal practice, but with very limited success. We believe that this new legislation provides the GTAA and Peel Regional Police an effective tool to impede those chronic offenders who continue to transport passengers for compensation without the appropriate licences or permits or controls on fares.

As I said, the GTAA has grappled with the problem of illegal taxi operators at Pearson for many years. We've dedicated numerous resources to try to combat the problem, because our mandate is important: to provide a safe and secure environment for passengers and to protect the business interests of our legitimate and licensed taxicab and limousine operators. Safety and security are the top priorities for the GTAA, yet as much as we have done to tackle this problem, the situation has persisted. We fear that if this problem is not resolved, the safety of passengers could be compromised, more intense conflicts could erupt between illegal operators and legitimate taxi operators, and the GTAA will have exhausted all avenues and resources at our disposal.

As a not-for-profit, private corporation, the GTAA has no choice but to rely on the existing legislative framework to combat illegal taxi operators. The challenge has been that without Bill 169, there is no offence, other than issuing trespass notices—which we've tried and the courts have rejected. Bill 169 will make it an offence to pick up passengers for compensation without the proper licence or permit. As an offence under the Highway Traffic Act, the penalty for non-payment of fines is the inability of the individual to renew his or her driver's licence or vehicle permit.

The GTAA is very supportive of these measures. These illegal operators are determined, resourceful individuals who, to date, have persisted even in the face

of GTAA and police efforts to stop the illegal activity. Bill 169 will give police the tools with the necessary teeth to deter this long-standing illegal activity.

Enforcement will be critical to ensure the effectiveness of these new powers. Since the announcement of this proposed bill, the GTAA, in concert with the Peel Regional Police, has begun the process of preparing the airport community for any potential changes as a result of Bill 169. We have begun to develop strategies to ensure that both the travelling public and the taxi and limo industry are made aware of any changes before the new bill becomes law.

As well, the GTAA believes that it is important to ensure that all drivers, both legitimate and unlicensed, are made aware of the potential legislative changes. Strategies to inform offending drivers of the changes to the HTA would be implemented during the time period between royal assent and proclamation. It is our hope that this will help to ensure the conviction of illegal operators once the bill becomes law.

Let me summarize. As the airport operator, we've been horrified by the stories of individuals who have been unwitting victims of these operators. We believe that we have done everything within our power to try and eliminate that illegal activity. We haven't been successful and have argued since the late 1990s for changes to the Highway Traffic Act. We're therefore very pleased that this matter is finally being addressed and support the changes wholeheartedly. We will work cooperatively with the Ministry of Transportation officials and Peel Regional Police to ensure that when the new provisions of the Highway Traffic Act become law, they are vigorously enforced. For too long, the safety of the travelling public has been at risk.

Thank you very much.

**The Chair:** Thank you very much. You've left three minutes for each party to ask you questions, beginning with Mr. Ouellette.

**Mr. Ouellette:** Thank you very much for your presentation. Earlier on, we had another one that—obviously, as with all stories, there are three sides to each story—stated that the Municipal Act, as opposed to the HTA, had a lot more teeth in dealing with this specific issue. How do you respond to the sections of the Municipal Act that currently or supposedly deal with this?

**Mr. Shaw:** We have had a lot of discussions with the province and with various departments. We believe it has to be the Highway Traffic Act. That deals specifically with giving us the authority to deal with scoopers. The Municipal Act covers off the whole issuance of licences and taxis, and that itself is a regime that we are neutral to. Our concern is with the licences that we issue to people who are properly licensed to operate from Pearson.

**Mr. Ouellette:** Mr. Manley was the one who presented, and he also stated that there was no authority on the GTAA lands, as relates to the province. I believe you can probably designate a provider for services such as that. Is that how you bring in the Peel Regional Police to deal with that issue?



**Mr. Shaw:** Peel Regional Police are the police of jurisdiction at Pearson, and we have within our ground lease the appropriate abilities to ensure the HTA is enforced.

**Mr. Ouellette:** One of the other issues brought forward was a reverse-scooping aspect that's not just what takes place on the airport lands but it's also when an airport vehicle is on the land and comes on to other properties and picks up a person going to the airport. How do you deal with that reverse-scooping issue whereby those individuals or drivers are providing the opposite service and taking individuals to the airport as well?

**Mr. Shaw:** I'm not certain I would characterize that as scoopers. Is that a pre-arranged pickup? Is that what you're talking about?

**Mr. Ouellette:** No, what was explained, basically, was that an individual will come off a plane, get into a GTAA-licensed vehicle, which leaves to go to its designation and then brings another person back to the airport when they don't have licensing on that. How do you envision enforcement of that aspect of the legislation taking place?

**Mr. Shaw:** Do you want to comment on that, Tim?

**Mr. Tim Dougherty:** Thank you for the opportunity. The Municipal Act gives us the authority to pick up in another jurisdiction on a pre-arranged basis. So the taxi or limousine drivers are picking up at the other jurisdictions on a pre-arranged basis. It's the same from the GTAA side. Taxis or limousines from Toronto or Mississauga may pick up under the pre-arranged system at Pearson International Airport. It is reciprocal.

**Mr. Ouellette:** What sort of statistics do you have on the number of incidents actually taking place out there? I'm a regular user of the facilities, and quite honestly, I don't see very much of any of this taking place at all. Do you have any stats that say how many cases there are and that sort of thing?

**Mr. Dougherty:** Just for clarification, are you referring to the number of scooper activities at the airport?

**Mr. Ouellette:** Yes.

**Mr. Dougherty:** On a daily basis, we have interactions with these illegal operators. We do have stats from our efforts. Prior to December, we had between 2,000 and 3,000 interceptions per month. That has decreased due to financial requirements, but we have other programs, such as communicating to the passengers in our facility through signage, through education. We do have other interceptions from Peel police, who do lay charges under the trespass act. At any time you were to go to the airport, these people are very prevalent. They are in your face, and it's very evident that they are there. We do keep stats of interceptions, I would anticipate in the neighbourhood of about 10% that we actually intercept.

**The Chair:** Thank you, Mr. Marchese?

1400

**Mr. Marchese:** Thank you, Mr. Shaw. I would like to say that I agree with you and the government with respect to the issue of dealing with illegal—

**Mr Shaw:** Scoopers.

**Mr. Marchese:** "Scoopers," you used—illegal pickup of passengers by individuals without requisite licensing. But I want to make the case that the Toronto taxi industry has made and dispute a little bit with you and your colleague or assistant about how this works. They'll have an opportunity to make it themselves, because they're much more articulate than I am on this.

The problem is the following: It is amazing how you dedicate tremendous resources to combating the problem of illegal taxi operators. You do have resources, and you apply them at the airport. You also, in light of this law, are going to be applying a great deal of additional resources, possibly, or you have already talked to the Peel Regional Police, in anticipation of this law, to work together.

**Mr. Shaw:** Yes.

**Mr. Marchese:** So you, the authority, and the police are in concert going to be dealing with illegal folks at the airport. The problem that the taxi operators are advancing is the following: If they want to come to your airport, they have to have a pre-arrangement and they have to pay 10 bucks. The reverse is not the same. Your assistant says, "Ah, when limos come to Toronto, it's pre-arranged." What we know, what the taxi drivers and others who have a whole lot to say on this tell us, is that there is no pre-arranged pickup. There is no enforcement there, and while you, the authority, commit a great deal of resources at the airport, there is no commensurate authority outside looking at how to protect the Toronto taxi drivers. They come in through an arrangement that is made with hotel folks who work there with the limo people. As we understand it, this is what happens. That can be called pre-arranged, but as far as we know and as far as they say, it is not. So there's a whole lot of illegal activity.

I'm concerned for them in terms of their livelihood as much as I'm concerned by your arguments that you want safety at the airport as well. Are you neutral to that, or are you willing to work with them to say that fairness is demanded in this regard?

**The Chair:** Gentlemen, that's a really long question, and you have 30 seconds to answer it.

**Mr. Shaw:** Thank you for the question. We are focused first on the airport getting rid of the scooper problem; we're dealing with it there. We're obviously prepared to work with the industry or whatever to ensure this fairness, but we are rather neutral. We have to remain neutral, because these are municipal licences, and our licence is given by a system to municipal licences. But we appreciate it, and maybe there is some experience or something that we can work with where—we're obviously committed to a safer taxi industry mechanism, and a fair one.

**Mr. Marchese:** Can we call you so we can link you up with some of these folks?

**Mr. Shaw:** I believe we're probably linked up anyhow, sir.

**The Chair:** Thank you very much. From the government side, Mr. Duguid.



**Mr. Duguid:** Earlier this morning, Gerald Manley made a deputation to us on behalf of the Toronto taxi industry, and in it expressed concern about the possibility that the GTAA at any time could shut down the airport to Toronto cabs, even through the protocol with the \$10. My question is twofold: Why is there a charge of \$10? What is the reason for that? Secondly, do you have the ability to do that? I believe you probably do under the current regime, and I believe you will after this legislation, but could you confirm that? Thirdly, could you give us a commitment that you would never shut down the airport to Toronto taxis, or any outside taxis, I guess, or can you give us a commitment that you have no intentions of changing that protocol?

**Mr. Shaw:** First, the \$10 is an appropriate fee. The licences we charge for on a yearly basis—and understand that in fact these do not cover the costs we incur to manage the operation. It's just part of cost recovery; it's not a full cost recovery. So I think the \$10 is fair for an individual.

Secondly, this change will not in any way change the ability to maintain the pre-arranged pickup regime, and I'm advised by our legal people that that is ongoing. Certainly, I can't give you a commitment in that way, But we need taxis. We want to ensure that there is access for taxis that are appropriately arranged, and that will continue. There is no intention to close that down.

**Mr. Duguid:** You can't give me a commitment. I'd like to have a commitment. I can't get that here, but perhaps I could get a confirmation that there is no contemplation in any way by the GTAA at this point in changing the protocol?

**Mr. Shaw:** No, certainly not at this stage.

**The Chair:** Mr. Lalonde, you have 30 seconds.

**Mr. Lalonde:** Just to clarify, if a pickup is pre-arranged by a doorman at any hotel, that's what we call a "cookie," and that cookie would be charged. The law protects that.

*Interjections.*

**The Chair:** Excuse me. Can I stop the cross-chatter? Are you asking a question of the delegation?

**Mr. Lalonde:** I just wanted to clarify this.

**Mr. Shaw:** That's outside the regime of the airport, but it's a fair comment.

**The Chair:** Thank you very much for coming, Mr. Shaw. We appreciate your delegation.

#### AIRPORT LIMOUSINE DRIVERS

#### UNITED AIRPORT TAXI DRIVERS ASSOCIATION

#### VETERAN TAXI LIMOUSINE DRIVERS ASSOCIATION

**The Chair:** Our next delegation is the Airport Limousine Drivers and the United Airport Taxi Drivers Association, Mr. Singh. Good afternoon. Do you have a handout for us?

**Mr. Gurmit Singh:** Yes.

**The Chair:** Once you get yourself comfortable, please identify yourself, say your name and the organization you represent. When you begin, you will have 15 minutes to talk. Should you use all of that time, there won't be an opportunity for us to ask questions or make comments on your delegation, but if you leave time, we will be able to do that.

**Mr. Gurmit Singh:** Thank you, Chair. My name is Gurmit Singh. I've been working as a limo driver at the airport since 1983-84. I have a submission to make regarding this transit and safety bill, Bill 169.

**The Chair:** Can you tell me what organization you speak for?

**Mr. Gurmit Singh:** I'm representing three organizations here today. On the limo side, I am representing the Airport Limousine Drivers, known as the ILODA-Group. That association was formed in 1978. It has gone through various cycles, unions and all these things, to represent the interests of the drivers. The other associations that authorized me to represent them here today are the United Airport Taxi Drivers Association and the Veteran Taxi Limousine Drivers Association.

Respected Chair and other committee members, the United Airport Taxi Drivers Association, the Veteran Taxi Limousine Drivers Association and the Airport Limousine Drivers, known as ILODA-Group, represent participating taxi and limousine drivers operating at Pearson International Airport. The above associations would like to express the full support of our members for the enactment of Bill 169, specifically section 39.1, "Picking up passengers for compensation prohibited without licence."

Current municipal and provincial transportation service regulations and requirements are comprehensive. Drivers and operator requirements can include documented credentials such as criminal background checks, doctor's physical, proof of citizenship or landed immigrant status, provincial driver's licence records, defensive driving, sensitivity and geography training. Vehicle requirements can include class and type of vehicle, vehicle age, mechanical and electronic safety devices, as well as multiple mechanical fitness certification assessments annually. Clearly, the regulatory requirements of a professional commercial vehicle driver and operator are necessary to ensure the public safety and security.

The existing Public Vehicles Act, municipal bylaws and federal regulations unfortunately don't fully address and provide for the specific problem of unlicensed and unauthorized transportation service operators. An enacted transit and safety bill will provide measured consequences and realistic deterrents for illegal operators failing to comply with regulatory provisions from various municipal, provincial and federal agencies, as all legitimate commercial vehicle operators must abide by these laws.

**1410**

Thank you for consideration of the presentation by these three organizations, which I already mentioned.



The other document I provided is a complaint by a customer, a passenger I was driving yesterday evening. The lady was coming back from Germany and she was harassed by scoopers. She has written this, and I got her permission to share it with the committee, because I told her I was going to appear before the committee. I'm going to mail the complaint and compliment form to the airport authority. It clearly states, if you just allow me to read:

"Scooper was trying to get me to go with him. He was very hard to make me go. He scared me. Luckily, the commissioner (guy with orange vest) saw the incident and chased the guy away. I don't think this is safe and it shouldn't happen."

My submission is that, yes, my industry has a vested interest too, but my emphasis is from the passengers' perspective of safety and the harassment they face daily going through this airport.

I can even verify that one time, when our current Premier, Dalton McGuinty, was Leader of the Opposition, I drove him from the airport. He was very busy, as you guys have busy careers. He was living at 1001 Bay Street, so I drove him there. At the end, he found a few minutes to share with me. I asked him, "Do you know about this private member's bill?" It was the one Raminder Gill was trying to bring in during the last Tory government. He said he was aware of it. I asked him what the process was, how long it would take and whether it would go through or not. He had the patience to explain it to me in detail for a few minutes. I appreciated that. This guy definitely deserved to be our next Premier.

I asked him, "Do you have experience going through this airport with scoopers?" His answer was that he travelled through this airport every week at that time, because he used to live in Ottawa, and on almost every occasion he ran into scoopers. They don't spare anyone. We asked ministers at the federal level and MPs. Everybody has the same experience. Nobody can deny it.

Before, in the beginning, about 10 to 15 years ago, they were a little bit scared, they were operating as thieves, but day by day they are becoming emboldened. They have the nerve now to fight the airport authority and the province of Ontario, up to the Supreme Court. They have the resources. The decision is there that the airport authority has the regulatory regime to enforce it, to ban these people from the airport. But that would be very draconian law.

That's why the airport authority has written to you and we have been approaching all these MPPs for more than 10 years to bring a remedy in this area. During the Tories' time, the ball was being thrown back and forth: "It's federal jurisdiction." "No, it is provincial." We get caught in between. We don't know whose jurisdiction it is. I'm not a legal mind, but we want a remedy. That's my plea to you guys.

You can ask me any questions regarding my industry.

**The Chair:** Thank you. You've left about a minute and a half for each party to ask a question, beginning with Mr. Marchese.

**Mr. Marchese:** Mr. Singh, I would have expected all of the organizations you mention here to support this bill. I do too. I look at the example you provide that speaks about a problem with scooping, and I understand that. You're familiar with the problems and the case that Toronto taxis are making. You must be familiar with it.

They're looking for the same justice you are. In the same way that you want people not to scoop illegally at the airport, for safety reasons and for personal reasons, they're saying that when your drivers go to Toronto, they are able to pick up anyone they want. It's not pre-arranged by telephone, as far as we know. Some might; somebody might be calling and saying, "I've got a driver for you." But a lot of it is where people just float around, get clients and take them to Niagara Falls or to Ottawa or to other places where you can make a pretty good buck. Toronto taxis are saying, "We don't have the same rules apply to them. They're enforced at the airport, but in Toronto, when you guys go there and pick up people, there is no enforcement there." Do you think they are right? How would you support them to seek the same justice that you're seeking with this bill?

**Mr. Gurmit Singh:** I guess you are raising a fact maybe not relevant to this bill, but I would like to go into that too. I've been in this industry for quite a while and I'm familiar with it. The question they are raising comes back again and again. It was raised during the last Liberal government, Peterson's government, back in the late 1980s. At that time, the taxi industry was able to mobilize and lobby the Liberal government that came into power to bring a bill in that area so that our pickup rights could be stopped. They think we are taking away their business.

**Mr. Marchese:** Is that true?

**Mr. Gurmit Singh:** Yes. That Liberal government introduced the bill and had a study at that time. Then there was a big hue and cry from the public: "How come you are bringing in this bill without any public consultation?" It was not our self-interest; it is the public's self-interest. The Liberals had to appoint a task force to study this issue, and that task force was named the Bartlett task force. It gave a report. I'm sorry I did not bring a copy; I thought it was not relevant. But that task force clearly concluded that this issue the taxis are raising had some relevance. From the public's point of view, this dedicated fleet serves the public interest and it should stay and they should keep their pickup rights.

As far as their right to pick up at the airport, I know a little history too. Nobody was allowed to pick up at the airport except this dedicated fleet. Then someone told Transport Canada, "We are taking you to court. How can you force me to take this vehicle? I want the vehicle of my choice." At that time, they arranged pre-arranged service, and that pre-arranged service allowed city taxis, anyone who wants, to pick up from the airport. They have special arrangements. You go and discuss with them, "I'm picking up this and this person," and you pay certain fees. In the beginning, the fee was \$1; now it has gone to \$10. Maybe someone can make an issue of that, that \$10 is too high. The airport is making money out of it.



This pre-arranged business: If you look at the stats—I didn't bring them with me—limos used to do more than a 60% share of the market; taxis used to have a 40% share of the market. Now this pre-arranged share of the market has grown more than 20%, and it is growing day by day. The service in some areas, which we cannot provide—maybe they need service, maybe some people find our service is too highly priced, so the pre-arranged service covers that area.

**The Chair:** Thank you, Mr. Singh.

**Mr. Gurmit Singh:** Any city taxi, anyone who pre-arranges, can have that privilege.

**The Chair:** From the government side, Mr. Dhillon.

1420

**Mr. Vic Dhillon:** Thank you very much for taking the time to make your presentation. Gerald Manley from the Toronto taxi industry was here this morning. He raised a few issues, and one of them was that it's specifically GTAA cars that steal their fares from the Toronto taxi industry. I want to know how true that is, or are there other drivers similar to the airport drivers who are partaking in this activity? How often does scooping happen? As to the \$10 fee that's being charged to non-airport cars, are the airport drivers forced to pay a fee as well, or is it free for them? I know there are over 1,000 taxi and limo drivers at the airport. What percentage of their income is affected as a result of this scooping activity taking place?

**Mr. Gurmit Singh:** I think your question is very relevant. What we call scooping at the airport, they call scooping in the city by some of the operators; they could be fully licensed. That goes on; I won't deny it. The reason it goes on, I think there were even arbitration cases—it is basically hotels. Ninety-five per cent of our business is from residential addresses or commercial addresses. Maybe 5%—I don't have the exact statistics; whatever per cent it is—is from these hotels. Some hotels don't allow at all this cookie system, but some hotels allow it. There was an arbitration case, I know, regarding the Delta Chelsea. That arbitrator decided that these guys who are busboys, arranging the transportation for the customer, have the right to earn that money. That's part of waiters' and waitresses' things to supplement their income. They're low-paid guys. That was the arbitration ruling, but that doesn't justify that it should happen.

My company is the smallest at the airport, Airlift. It has an arrangement with the Sheraton to pick up passengers. What happens is that if a customer comes and Sheraton directs them to a taxi or whatever, if the customer gets shafted, he has to complain somewhere. He complains to the Sheraton. The Sheraton doesn't have any record of which car picked up. Then they made the arrangement with Airlift: "You pick up if you are called in." So the customer comes out and the doorman asks, "Do you need transportation?" If the customer says, "Yes, I need transportation," then maybe they can go into more detail: "Do you need a taxi or limo or what?" In order to earn \$10, they push that customer to us limos. Limo and taxi rates are basically the same, just \$2 more.

Yes, there is a cookie business incentive for the doorman to make more money, but the Sheraton has the record of which car picked up our customers. If there is a complaint that comes down the road, they can trace it, track it.

**The Chair:** Thank you, Mr. Singh.

**Mr. Ouellette:** Thank you for your presentation. We heard from the presentation before you that the \$10 fee doesn't come close to covering the cost for administering this entire program. Quite honestly, I wouldn't want to see Peel police officers spending their time on an issue like this. Coming from a policing family, I certainly don't think the policing community wants to spend their time on this. Do you not feel this can be resolved in other fashions, possibly by increasing—the one commonality with all this is the point of transaction, and that's the airport in this particular case. Do you not feel that the commissioners could resolve this issue with increased commissioners and through possibly lane issues at the airport?

**Mr. Gurmit Singh:** You ask a very relevant question. I appreciate it. We tried every avenue. The airport authority, the commissioners tried to resolve it. The commissioners got sued by the scoopers, and the airport authority was not backing them up. Even the GTAA's inspector was sued by the scoopers: "Oh, you are harassing me. I am doing legitimate business." They have so many lawsuits against the airport authority inspectors, commissioners, nobody dares to go close to them these days. They are operating openly. If we want gypsy cabs like what is happening in Moscow, what we heard in the news from some airports down in the States, we can have that type of society too. Toronto is the biggest urban centre in Canada, so there is an economy. How come they can afford that many suits so they have enough to go fight on this issue up to the Supreme Court? Unless there is a real deterrent—and that's what the airport authority is crying, that we need law, we need a remedy to deal with it.

**Mr. Ouellette:** No matter what piece of legislation comes forward, without the enforcement ability, it doesn't matter at all. Thank you very much for your presentation.

**The Chair:** Thank you, Mr. Singh. Thank you for coming today.

**Mr. Gurmit Singh:** Thank you for giving me the opportunity.

#### TORONTO INDEPENDENT LIVERY TAXI CAB GROUP

**The Chair:** Our next delegation is listed as the Toronto Independent Liberty Taxi Cab Group, but it's actually "Livery."

Good afternoon. Thank you for coming today. If you could identify yourself and the group that you're speaking for. When you do begin, you'll have 15 minutes to speak. Should you leave time at the end, there'll be an opportunity for members from all parties to ask questions or make comments on your deputation.

**Mr. Kamil Trabulsey:** I will. Thank you very much. My name is Kamil Trabulsey. I am the president of the



Toronto Independent Livery Taxi Cab Group. I'm also the leader of the union, what they call "scoopers" at the airport.

When the transport minister introduced Bill 169, he said it would be good for Ontario. He neglected to tell you that his bill gives the GTAA and the drivers at the airport special treatment. He expects you to pass a law prohibiting any driver from picking up outside their jurisdiction except for the airport drivers. They can. I ask you, shouldn't this law apply equally to all drivers in Ontario?

The scooping problem at the airport was created during a labour dispute between the unhappy airport drivers and their employer, the airport authority. In 1987, when those drivers protested, a group of drivers took advantage of the situation and brought their own family members and friends from their community to replace the striking drivers. The fact is that the so-called scoopers are licensed taxi drivers and better qualified than the existing airport drivers. So, in fact, the airport brought the scooping problem upon themselves.

Let me remind you that the scooping problem is a lot greater in Toronto than at the airport. So why is it that the MPPs in Toronto aren't standing up for Toronto drivers and are allowing a few MPPs from Peel to introduce a bill designed to protect only members of their own riding, disregarding the rest of us?

Issue 1: Airport drivers pay a kickback known as a cookie to the doormen and bellmen in Toronto for giving them return fares to the airport or out of town, while Toronto drivers are waiting in line for a \$5 fare. Therefore, the airport drivers are enjoying two-way fares and the monopoly at the airport.

With respect to this, I'd like to make a comment. There is no way that this law could solve this issue. Every time the police try to intercept them or anyone intercepts them on the street when we're picking up, they claim they have an airport sticker because the Municipal Act allows it, and they get away with it. We don't have the police force or the inspector to go and chase them and see if they're really going to the airport or not.

I had an incident where somebody took from York and King, and charged the guy \$25 just to go down to the Westin Harbour Castle. They said it was because he's an airport limo. I had the occasion where somebody charged him \$70 to go to the airport from the hotel because you have to pay a \$15 cookie. That's not acceptable. We want the law to protect us. This law does not protect Toronto. It has ignored Toronto completely. When you make a law, a "scooping law" you call it, it has to be for everybody.

For 27 years, we've been crying that the airport has taken advantage of us. None of you guys listened. Of course they listen to the airport, a few members of Parliament. Listen to them. There was \$200,000 paid—I have the proof here in the newspaper—to Mr. McGuinty and the transport minister. The money had been issued after they had made the promise that they would do a law for the airport. They promised him every year that they would do the same thing. It's written and translated into English.

Issue 2: The airport and Toronto already have their own laws in place. If the bill is passed, the airport authority will have full control to do as they wish. What

I'm saying for this is, there are laws in Toronto. Anybody who does not have a licence will be penalized. They will catch him. We don't need any more laws, but our hands are tied. The airport guys get away because they say they have a special permit. Some 90% of the Toronto scooping problem is the airport taxi and limousines. How are you guys going to solve it? You guys are doing absolutely nothing about it. All you want to hear is the nonsense that the Toronto airport authority is telling you?

1430

Peel Regional Police, on one occasion, stopped every scooper and forced them to have their picture taken. "If you don't have your picture taken, I'm going to arrest you." Here is a letter from a lawyer to the Peel Regional Police staff sergeant about that issue. They're towing cars. If my taxi is in the parking lot and I'm waiting for my wife, I come back to the parking lot and my car is gone. They're putting people in jail for no reason. Why are you guys telling me that there is no enforcement at the airport? Actually, there is enforcement right now. The way they're treating Toronto taxi drivers is a lot stronger than Bill 169.

Airport drivers aren't required to pass a mechanical and safety check. Toronto drivers do. After 22 years in business, I was offered an ambassador licence plate. I had to graduate from Centennial College and write an exam and pass with over 80%. I'm proud of myself: I missed 100% by not much. We have to do a safety driving course, a skid test, accident avoidance, CPR and first aid. What are airport drivers doing? We go two times a year now for a mechanical check at a city of Toronto licensing mechanic. It's not a private mechanic. Airport drivers do nothing at all.

Issue 3: With this issue, I would like to talk also about the safety of the public. The public is unsafe with the airport drivers. You don't have to go too far. Every time there is a snowstorm, there is freezing rain, 80% to 90% of airport drivers go home and leave people stranded at the airport. I have a picture in my file showing hundreds of people lining up, waiting for a cab. When Toronto cabs go up there to pick them up, they want to nail them with a \$10 fee. When they refuse, they kick them out.

Now they use another strategy: They keep the people inside the terminal so that they don't see what's going on outside. But the smart guy who goes outside sees that there are a lot of Toronto cabs waiting in line to pick them up. They don't care about the public. They don't care if you wait five or six hours at the airport. All they care about is making money. That's what they care about.

I hear about the issue of safety here. According to an article in January 2004, the president of the airport taxi and limousines said, "The worst issue here is, the airport plate is going for \$400,000, and drivers we pay \$6,000 insurance because every year we have a car written off here." That's scary. In addition, he said, "We have to drive at least 20 hours (a day). That's why (sometimes) we have a bad attitude with customers and are unsafe drivers." Thank you, guys. You heard it very well, opposite to what the airport authority has been telling



you. They admit that themselves. I have been driving a taxi for 27 years and have never had an accident.

Issue 4: Why is it that only—I'm not trying to be racist—East Indian MPPs are interested in bringing laws to protect the airport and ignoring Toronto? We had Raminder Gill going on it. Now we have the transportation minister. We're very well aware that everyone who wants to run for election—their first stop is the airport. "Vote for me and I will do a bill against the scoopers." Those airport drivers make \$800 a day. We in Toronto hardly get \$150 with this economy. What else do they want to make—\$1,500 a day? So why is that in every interview with those MPPs, the only thing they speak about in the Punjabi language on the radio or in the newspaper is the airport issue? They don't talk about other issues.

It looks like this issue is now a forced priority for the McGuinty government. We have people getting shot on the street and killed every day. They're doing absolutely nothing about it. The only thing we hear about it is, "Oh, it's a city issue." "No, it's a provincial issue." "No, it's a federal issue." "Oh, no, it's the United States's fault." Come on, get real. Get to it. This is not an important issue. We have better things to deal with.

When Raminder Gill proposed a similar bill, it was rejected by all parties after knowing all the facts. What makes this different? I have a letter from Ernie Eves thanking me for it, and very suddenly they found a letter and they told me that the bill was dead. He personally intervened on it. I never received anything from McGuinty, but I did receive one also from Howard Hampton, that he rejected it. I have those letters. I have received some from Liberal MPPs, too, who have rejected it. What's happening now? You all support the same thing. What has changed?

Like I said, in his proposals, he's given them full authority to issue permits at the airport, ignoring the fact that the GTAA is a private corporation. There are no laws authorizing them to issue any licences or permits to pick up passengers. Also, a city of Mississauga sticker on a GTAA plate is not a valid licence, because the city has no power to license anyone on federal property. You guys are supporting illegal licensing. You're doing a law to support illegal licensing. Airport GTAA licensing officially is illegal. Only the city is allowed to issue licences. Here, we have private corporations issuing licences. Who's going to stop the Sheraton Hotel from making their own licences? Who's going to stop Ontario Place, the CNE, when it's running? No, it's only the city. So what city is the GTAA representing? What city is the GTAA here? You guys are breaking the law. As one of those people who is at the airport, who is fighting to get our jobs back—and let me tell you, I'll probably be the first one who will be charged under this law. I'm the first one to challenge them in court, and I will defeat it. We have the resources for it. I've already spoken to lawyers. We are ready for it.

The last object is, the transport minister has given himself authority to give exemptions as he sees fit. How

do we know he will not abuse this power to benefit only the airport drivers? In his proposal, it says very clearly he has the right to exempt. In case the Municipal Act is changed, of course it's going to exempt them. He's already prepared for it. We heard rumours that he will do his best not to support change in the Municipal Act.

We want laws against illegal cars. We want a law against everyone who drives without a proper licence or without proper insurance. Everybody should have a permit, there's no doubt about it. But don't make a law before you solve the Toronto problem. I don't want to hear the comment from the transport minister that, "If it's good for Toronto, it's good for Ontario." It's not good for Toronto. That does not do us 1% of good. It does not solve our problem.

I said very clearly that they brought the airport scooping problem on themselves. If they settle with those guys, the issue will disappear. The problem is in Toronto. In Toronto, we're suffering. Cab drivers are boiling right now. They want to do like what happened in Montreal, banning cars, which I don't support. They're willing to take action, but they're holding themselves back to see what the politicians will do. If this bill passes, let me tell you, it's going to be out of control in Toronto, because those guys are not going to be watching those airport cabs. Probably the doorman will keep taking fares to the airport, and doing nothing about it. They will do it. You're going to create a huge problem in the city, let me tell you I can assure you of that. To back up what I'm saying, on Thursday the Legislature will resume. There's going to be a huge demonstration outside by Taxi Toronto.

To finish what I'm saying, everyone agrees that no one should drive without a proper licence and permit, but it should be a level playing field. By allowing all taxi and limousine drivers to pick up from the Toronto airport, or stop airport drivers from picking up in Toronto—every time we have a snowstorm, the only ones who are up there are Toronto drivers. Let me assure you that even the airport authority allows the scoopers to pick up, because there are no airport drivers up there.

The pre-arranged does not work. According to their admission, the document we have, they're making people wait 15 minutes. They're doing it on purpose because they don't want people to take pre-arranged, to use our vehicles. If I have it pre-arranged, I have to reserve the compound, tell them the name, the flight, the time, and wait until they call me.

**1440**

**The Chair:** Sir, you have 30 seconds left.

**Mr. Trubuley:** I'm finished. A lot of time, my customer comes and they say to him, "Oh, nobody's waiting for you. Would you like one of our cars?" That's happening a lot. They choose who they want to do pre-arranged, and people who are not wanted, they shut them out.

So please do not support this law. We're willing to compromise if those guys are not allowed to pick up in Toronto if they're not licensed in Toronto. Then we will probably support the bill. Thank you.



**The Chair:** You've exhausted your time. There won't be any time for questions. Thank you for your passion and your time.

### LIMO GTA

**The Chair:** The next group that will be appearing before us is LIMO GTA. Mr. Hundal, welcome.

**Mr. Hardeep Hundal:** Thank you for allowing me this opportunity to come and present my views.

**The Chair:** Good. If you're both going to speak, if you could identify yourselves and the organization you speak for. When you do begin, you will have 15 minutes. Should you use all of the 15 minutes, there won't be an opportunity for us to ask questions, but if you leave time, there'll be a chance for us to comment on your delegation.

**Mr. Hundal:** Right. I'm Hardeep Hundal. I am the president of LIMO GTA, a limousine company. We have licensed vehicles from most of the municipalities in the greater Toronto area. I shall be talking on behalf of LIMO GTA.

This is Mr. Pradeep Anand. He's president of Versatile Microsystems Inc. He works as a consultant for us and is also a customer. He'll just take a minute to tell you, ladies and gentlemen, how this bill, if it goes through, will be detrimental to the public of Ontario.

In my opinion, Bill 169 is mostly good. The only problem is with part IV, section 39.1, subsections (1) through (11). This part deals with scooping, that is, picking up fares without being properly licensed. The general conception is that scoopers are not licensed operators, that they work without commercial insurance, drive unsafe vehicles and overcharge customers. That is a myth. Sure, there are some bad apples, and we all want to get rid of them. But most people scooping are properly licensed, they drive safe, insured vehicles and do not overcharge customers.

I quote the Canadian Bill of Rights, part I, section 1, "Recognition and declaration of rights and freedoms," subsection (b): the right "to equality before the law and the protection of the law." It is your responsibility as elected members of this democracy to uphold this right.

In the greater Toronto area, the scooping problem exists only in the city of Toronto and at Pearson International Airport. For almost the past 20 years, due to an exemption in the Ontario Municipal Act, taxi and limousine drivers licensed by the airport authority have been blatantly scooping in Toronto by, one, bribing hotel employees; that is, paying \$10 per fare to them. It's called a "cookie." Secondly, they solicit business and give huge discounts to customers who are going to the airport, thus taking away business from legitimate licensed drivers of these municipalities. They do not mind giving huge discounts because they get full fare when driving passengers from the airport. Thirdly, they take passengers from the municipalities who are not going to the airport. In retaliation, drivers licensed by all these municipalities pick up passengers at the airport after

they drop off a customer and are branded "scoopers." So the problem exists only because there is an uneven playing field. Make the playing field level and the problem will vanish. Equality is the key.

The solution is very simple: (1) stop airport drivers from picking up fares in any municipality, or (2) open the airport to all licensed operators. We have spoken to many members of this provincial Parliament. Each one of them has agreed that this is a fair and simple solution to a major problem.

Laws regulating taxis and limousines belong in the Ontario Municipal Act. So take part IV out of Bill 169 and deal with it along with the review of the Ontario Municipal Act that is going on.

The Ontario Legislature should not make laws for the airport, which is on federal property. The GTAA charges a \$10 fee to allow vehicles licensed by municipalities to pick up pre-arranged customers. These operators not only have to pay fees to their municipalities, but to the GTAA as well. This system is not fair or equal, because the airport drivers do not pay any fees to the municipalities for pre-arranged pickups there. Up until now, there has been no law that allows the GTAA to charge this \$10 fee. Any municipally licensed drivers who refuse to pay this \$10 fee are branded as scoopers. My company drivers and myself are one of them. We are registered, we are licensed, we have insurance, we have everything, but we don't want to pay the GTAA \$10, and we are branded as scoopers.

It has nothing to do with passenger safety or customers being overcharged; this is plain propaganda. The only concern the GTAA has is collecting more and more money. The Highway Traffic Act is enforceable at Pearson International Airport. It is also automatically copied into the airport traffic regulations. Therefore, any amendments to the Highway Traffic Act made by the proposed Bill 169 will grant the GTAA additional powers.

As I stated before, airport taxis and limousines picking up pre-arranged fares in municipalities do not pay any fees to the municipalities. The Liberal government in power, being fully aware of this, is about to pass a law that will legalize this inequality. Bill 169 will allow the GTAA to charge the \$10 pre-arranged fee. If you break down the licence fee that the GTAA charges their taxis and limousines, on a per-fare basis, it works out to be about \$2. So the GTAA is charging municipal cars about five times that fee, \$10, for picking up their own pre-arranged customers. That doesn't sound fair to me. This contradicts the Canada Competition Act.

Now, after learning this fact, this committee has the responsibility to correct the situation. We have sound legal advice stating that if the Liberals use their majority to push this law through, they will be financially liable for damages caused. By passing Bill 169 and making it law, the Ontario Legislature will make it illegal to pick up pre-arranged customers at the airport without paying the GTAA a \$10 fee. We, as operators, will have to pass this cost on to our customers. This is not in the best interests of people who live in or visit Ontario.



In the previous government, MPP Raminder Gill tried to pass a similar bill. There, all three parties—the NDP, Liberal and PC parties—helped us by not allowing the bill to go to third reading. Now that the Liberal Party is in power, it is trying to amend the Highway Traffic Act just to buy votes.

Minister of Transportation Harinder Takhar and other MPPs of the Liberal Party conducted meetings with the airport drivers regarding scoopers and received \$200,000 from them at a fundraiser. Premier McGuinty himself was present at this fundraiser. The Liberal Party is tilting an already uneven playing field even more. This part IV of Bill 169 has been introduced only to benefit a small special interest group, the airport taxi and limousine drivers. These people reside in the Peel region, and that is why there is such a huge lobby from the Peel region MPPs. In our meeting with the minister, he insisted that Bill 169 was not about the airport. If this is so, then the words “airport authority” should not be included in Bill 169.

Clearly, there is a problem if the airport vehicles can blatantly take business from our municipalities without paying. On the other hand, we have to pay about 25% of our gross income to the GTAA to pick up our own customers. That is a problem. It is the job and responsibility of this committee to make the law legal.

I now ask Mr. Pradeep Anand to just say a few words, being a client, on how this law, if it goes through, would affect the public.

**Mr. Pradeep Anand:** Good afternoon. I'll just take a minute to present the customer's point of view in this dispute.

Passing of Bill 169, as it is now, is not in the best interests of the people living in or visiting Ontario. Municipal operators of taxis and limousines will be forced to pay an additional fee of \$10 to the GTAA, and this fee will probably be raised in the future. The law should state that airport authorities are not allowed to charge any fees to vehicles already licensed by the municipalities for picking up pre-arranged customers.

I have a personal stake in this issue, because I've been using LIMO GTA for business and personal needs for several years, and we are totally satisfied with their service. However, if they are forced to charge us an extra \$10 per trip, it will make it very difficult for us to continue to use our preferred limousine supplier.

We are open for questions.

1450

**The Chair:** Thank you. You've left about two minutes for each party to ask a question, beginning with the government side.

**Mr. Lalonde:** I just want to make sure you are aware that this bill is not only for Toronto; it's for the whole province of Ontario and any airport in Ontario. It is not only for the city of Toronto. Secondly, I want to make sure, because I couldn't get to this point with the last person who appeared in front of the committee: Even though the minister introduced the bill—and he lives in the Peel area—the main goal is the public safety of Ontario. That is the main goal.

I have a question. At the present time, you say the \$10 fee is not fair. Do you know how much a licence costs for the limos standing at the airport?

**Mr. Hundal:** Yes, sir. The last limo licence at the airport sold for \$460,000, whereas a Toronto limo licence is valued at about \$50,000. The only reason for that \$50,000 versus \$460,000 is because of inequality in the business. If you were supposed to buy a business, would you pay \$50,000 for a bigger business or \$460,000 for it? It's a market value, which floats in the market. The only reason it is \$460,000 is because the system is so unequal. The limo drivers at the airport are making nine times more money than the limo drivers in any municipality.

**Mr. Lalonde:** Do you know how much time, on average, per day per car, they are stranded at the airport waiting to pick up a passenger?

**Mr. Hundal:** Yes, sir. In the slow periods, they might be stuck there for two hours, but in the busy periods, they just come and go. If you go at any rush hour, the lineups of people waiting at the platform at the airport—no airport taxi, no airport limo. When the weather is bad, I have picked up customers who have been waiting there for three hours because there are no airport taxis or limousines available. These guys work 20 hours a day, so if they have to stand there for two hours when it is very slow, it's no big deal. They make, on average, 15 trips back and forth to the airport.

**Mr. Lalonde:** It takes an average of two hours per trip—

**Mr. Hundal:** No, sir, it doesn't.

**Mr. Lalonde:** —to get back in the parking lot and wait until they get their turn. I have the data on this.

Secondly, I've been scooped every week at the airport. From now on, I will advise the security guard whenever I am scooped. You might get my picture, but it is going to be reported every time I get a scoop. I will not allow a scoop at any of the Toronto hotels, or those cookies. I will not allow that. I'd be happy to report to the police if there's a cookie at any of the hotels.

I just want to say that this bill is put in place for the safety of Ontario.

**Mr. Hundal:** Have you ever been harmed by being scooped, sir? Have you ever been involved in an accident? Have you ever been overcharged?

**Mr. Lalonde:** No—

**Mr. Hundal:** So what is your concern?

**Mr. Lalonde:** —I don't take them.

**Mr. Hundal:** You don't take them? Maybe you should take them and see if any of your concerns are true.

**The Chair:** Gentlemen, we're not going to get into a debate. You can ask questions and you can answer, but we're not going to get into a debate. Mr. Ouellette is next.

**Mr. Ouellette:** Thank you very much for your presentation. As I stated earlier with the previous presenters, I don't see that this legislation is going to resolve this issue. The point of transaction being at the airport appears to be one of the places that can resolve the issue;



however, the point of transaction at other locations is virtually unenforceable.

I believe I heard you say that if the airport drivers are not allowed to scoop in Toronto, you would be satisfied with that. How can you enforce that, or how would you be able to deal with that issue?

**Mr. Hundal:** The only reason that it is not enforceable now is because of the exemption in the Ontario Municipal Act that airport taxis and limousines can pick up at the airport. When the licensing commission inspectors from the city of Toronto go to enforce this law, they just say, "Oh, it's a pre-arranged pickup. We're going to take this person back to the airport." But if somebody comes to them and says, "I'm going to Barrie. Can you take me?" he'll take him. However, if the law says they cannot do any pickups in any municipality, then there is no question about it. It's very clear: You can't do a pickup, period.

**Mr. Ouellette:** So effectively, there needs to be a resolve in the Municipal Act to deal with this issue, then?

**Mr. Hundal:** I agree, sir.

**The Chair:** Mr. Marchese.

**Mr. Marchese:** Thank you, Mr. Hundal. I just want to say a couple of things. First of all, New Democrats were happy to join Liberals to defeat Mr. Raminder Gill's bill, and now we're happy to join, I think, the Tories in defeating the Liberal bill. We understand that people are trying to make a living, though, on either side. I think there's unevenness in the earning of a living between the Toronto taxi drivers and the limo drivers—companies and drivers included—and that unevenness needs to be addressed.

Mr. Singh pointed out that they have an arrangement with the Four Seasons Hotel in terms of pickups. I find that unfair, because if they can make those kinds of arrangements, it shuts you guys out. Mr. Singh also pointed out that there is a kickback system. Mr. Dhillon was asking if there was evidence for that, and Mr. Singh provided that evidence. And he might have had other questions that he wanted to ask you, but he didn't get a chance.

The problem is that there is an unevenness going on. The GTA enforces the illegal scooping, and they're now working with the Peel police to make sure that happens. No one in Toronto has said that they're working with the Toronto police to make sure, when the limos come to Toronto and scoop illegally, that they're going to enforce that. But at the airport, the airport authority is going to work with the police, including the \$10 charge, which I find unreasonable, including if somehow you have a pre-arranged pickup and they don't show up or call you and you're stuck.

There's tremendous unfairness in this process. There's a monopoly there, including this monopoly allowing itself to go to Toronto and pick up without any sanctions, without any enforcement, and you guys are stuck with the inability to go to the airport and make a living there. As I see it, the question you raised is one of two things: Either you are allowed to go there or they're not allowed

to go to Toronto. As far as I can see, it's not a safety issue; it's an issue of justice, which Liberals are sometimes concerned about. I believe we need to address that, and I hope you will continue putting pressure on the government to come to terms with this injustice that is going on with the Toronto taxis.

**Mr. Hundal:** I agree with you, sir. Just to make a little clarification, the airlift limousine that has the agreement with the Sheraton is an airport limousine company.

**Mr. Marchese:** That's what I'm saying.

**Mr. Hundal:** There are many limousine companies in Toronto. Why wouldn't they make an agreement with a Toronto limousine company?

**Mr. Marchese:** Exactly.

**Mr. Hundal:** And the cookie system there hasn't been erased. The airport airlift limousine companies are still paying the cookie.

**Mr. Marchese:** I agree with you. I'm convinced the Liberals will open up their hearts eventually and give you justice as well.

**The Chair:** Thank you very much, gentlemen, for coming. We appreciate your being here.

## ONTARIO ASSOCIATION OF FIRE CHIEFS

**The Chair:** Our next delegation is the Ontario Association of Fire Chiefs: Lee Grant, fire chief and president of the Ontario Association of Fire Chiefs; and Barry Malmsten, executive director of the Ontario Association of Fire Chiefs.

Welcome, gentlemen. I see that you have a handout for us this afternoon; thank you. Before you begin, could you identify yourselves, if you'll both be speaking, your position and the organization you speak for. When you do begin, you'll have 15 minutes. If you leave us some time, we'll be able to ask some questions for clarification. You may begin.

**Mr. Lee Grant:** Thank you. I'm Lee Grant, the current president of the Ontario Association of Fire Chiefs. Beside me is Barry Malmsten, our executive director. We're very pleased to be able to present to you this afternoon. We have a fairly short presentation. One of our topics is similar to the one previously presented by the Office of the Fire Marshal, so in the interest of time I'll just highlight that one. I think you've got most of the background on the issue of closed roads, but we'd be pleased to answer any operational questions on that when we get to it.

The Ontario Association of Fire Chiefs represents about 600 chief fire officers across Ontario. These chiefs lead roughly 28,000 firefighters in full-time/career, composite and volunteer departments. The chief officers are ultimately responsible to their municipal councils for the delivery of fire, emergency, rescue, and fire protection and education services in their municipalities. In addition, many fire chiefs also provide leadership in their communities for emergency preparedness.

1500

Over the years, we have worked in partnership with the Office of the Fire Marshal to implement strategies



and programs to reduce fire-related injuries, deaths and the loss of property. This good work has resulted in the declining fire death rate in Ontario. In addition, fire chiefs have developed the capability to respond to a wide variety of additional emergency challenges, such as motor vehicle accidents. It is with this dedication to public safety that the OAFIC offers its thoughts to the committee on needed changes to the Highway Traffic Act in Ontario.

The focus of our comments is to improve the safety of the public and the safety of firefighters responding to emergencies. The OAFIC's submission will speak to three general areas: the need for firefighters, in the performance of their duties, to drive their personal vehicles on closed roads; the need for firefighters, while driving their personal vehicles in the performance of their duties, to use the emergency turnaround access areas on four-lane divided highways; and the need for firefighters to be authorized to provide traffic control duties.

Over the years, fire departments have evolved from just extinguishing fires. Fire departments now provide a myriad of services including fire suppression, vehicle extrication, ice/water rescue, hazardous material spill and leak response, chemical, biological, radiological and nuclear response, high- and low-angle rescue, and confined space rescue, just to name a few. In most communities, when major emergencies occur, the fire department is called, as they are the service that can assemble on-scene the largest number of trained responders in the shortest period of time.

Across Ontario, we have about 491 fire departments employing approximately 29,000 personnel, of which 10,400 are full-time, 18,600 are volunteer and 250 are part-time. The structure and capabilities of individual fire departments vary, but generally they are categorized into three types: full-time/career, volunteer and composite.

Full-time departments are comprised entirely of staff hired on a full-time basis, located mostly in urban areas. Across the province, there are roughly 28 full-time/career departments. These departments have staff on duty 24 hours a day and they respond to an emergency call from the fire hall on a fire truck.

Volunteer fire departments are staffed by volunteer firefighters who are on call. These departments operate in rural or small urban communities. In Ontario, there are about 312 volunteer fire departments. These departments do not have firefighters deployed in fire halls 24 hours a day. When an emergency call is received by pager alerts to the firefighters, one or two of the firefighters drive to the fire hall to pick up the truck, while the other firefighters respond directly to the scene of the emergency in their personal vehicles from wherever they may happen to be in the community.

Composite fire departments are comprised of a mix of full-time and volunteer firefighters. The mix between full-time and volunteer varies and may be as low as one full-time person. This type of department exists in growing communities or communities with rural and urban settings. There are about 152 composite departments.

Regardless of their type or structure, all fire departments focus on providing a timely response and assembling an adequate number of firefighters at the emergency scene. Response time is critical, because the size of a fire doubles every minute. Medical response for heart concerns must be implemented in four to six minutes. Getting to the emergency scene quickly could be the difference between life and death, and getting an adequate number of responders to the scene to deal with the emergency is essential.

This OAFIC submission is seeking support from the committee to help ensure that fire departments can provide quick emergency response by authorizing firefighters who use their own vehicles to travel on closed roads and to utilize the turnaround areas on four-lane divided highways. We are also requesting support from the committee to ensure the safety of emergency workers at a scene by authorizing firefighters to perform traffic control duties.

I will skip over most of the section on the need for authority to drive on a closed road, other than to repeat that there have been extensive meetings involving a wide variety of stakeholder groups, including the Office of the Fire Marshal, police services, the Ministry of Transportation, firefighters of Ontario, the insurance industry and our association. These groups have all endorsed the proposed change to the Highway Traffic Act. I am sure that the Fire Marshal expanded on this work in his presentation to the committee. The Ontario Association of Fire Chiefs is requesting that the Highway Traffic Act be amended to allow firefighters responding with their personal vehicles in the performance of their duties to travel on closed roads.

Emergency and service vehicle turnarounds on four-lane divided highways are restricted to authorized vehicles only. Firefighters driving their personal vehicles when responding to an emergency are not currently recognized as an authorized vehicle.

Volunteer firefighters respond from all points in a community. If there is an accident on a four-lane divided highway, they may have to drive by the incident on the opposite side of the highway and proceed along to the next interchange, and then return to the scene. This greatly increases response time. It is not a solution to park on the opposite side of the highway or on the median and then run across the highway; in fact, our firefighter guidance note 6-10 prevents firefighters from doing that and instructs them never to cross traffic lanes on foot. Firefighter safety is compromised, and the driving public is also exposed to additional risk.

It is clearly the intent of the legislation that emergency vehicles should be able to use the turnarounds. What was not anticipated was that emergency personnel could be responding in their personal vehicles. The current legislation is simply not broad enough. The Ontario Association of Fire Chiefs is requesting that the Highway Traffic Act be amended to allow firefighters responding to an emergency in their personal vehicles to be recognized as authorized users of the turnaround areas on four-lane highways.



The need to provide traffic control: Currently, the Highway Traffic Act authorizes police and construction workers to control traffic but does not authorize firefighters at an emergency scene to provide traffic control duties. Firefighters performing rescue extrications or fire-fighting on highways are at risk of serious injury. Under health and safety legislation, it is the chief officer's responsibility to provide the firefighters with as safe a working area as is reasonably possible.

Many fire departments are now finding that as much as 40% of their emergency calls are responding to motor vehicle accidents. The fire service is often the first emergency responder on the scene. In order to deal with the emergency and to protect the safety of the firefighters, it is necessary for them to control traffic on the highway, either to stop it entirely or to direct it safely around the emergency scene. Traffic control protects the people involved in the accident, it protects the travelling public and it protects the emergency responders. A police officer cannot authorize firefighters to direct traffic, and yet the fire crew often does so before and after the police officer arrives. Also, if the accident involves spills and major cleanups, the fire department often carries out or assists in this activity. For the same reasons that construction workers are authorized to safely direct traffic, firefighters need the same authority. The Ontario Association of Fire Chiefs is requesting that the Highway Traffic Act be amended to authorize firefighters to perform traffic control duties to ensure the safety of emergency workers on the scene.

We've included a quick summary that again reinforces the points we have brought forward to you. In closing, the Ontario Association of Fire Chiefs appreciates the committee's efforts in reviewing the Highway Traffic Act, and we thank you for the opportunity to provide this submission. Of course, we're open for questions.

**The Chair:** Good. You've left almost two minutes for each group. Mr. Ouellette, would you like to begin?

**Mr. Ouellette:** Thank you very much for your presentation. As I stated earlier, I believe that driving on highways is something that we should have no problem supporting. A couple of questions, though: How many incidents or charges have been laid regarding turnaround points on highways?

**Mr. Grant:** To my knowledge, we have had firefighters warned; I am not aware of one having been charged. One of the things we operate on in Ontario is mutual aid—tri-services and mutual aid committees—and we routinely invite the OPP and municipal departments to speak at them. They have made it very clear to our personnel, for a number of years: "Don't do it, because we will have no option, if we see you do it, than to charge you for doing it."

**Mr. Ouellette:** It's very hard to legislate common sense. To me, enacting that wouldn't make sense, and I couldn't see the courts following through on that. But if it's something you feel is necessary, then it certainly should be addressed.

What about traffic control? Usually we have the tri-response situation. Who would then take control, or who would be in charge, once all three—police, fire and ambulance—show up?

**Mr. Grant:** Again, we have very clear protocols about who's in charge. I would suggest that it is almost unheard of at this point—if you're thinking of traffic control as defined in your act, which is someone using a slow or stop flag/twist flag operation, as is seen in construction, police almost never do that. It is generally the firefighters and eventually the MTO contractors in charge of that section of road who provide us with that service. The minute they show up, we're more than happy to turn it over to them, absolutely.

1510

**Mr. Ouellette:** So should that be defined in the legislation as well?

**Mr. Grant:** We specifically ask for that just at the emergency scene. Once the emergency is over, and that's usually once the extrication is complete, there is all the cleanup and the tow truck work and so on. We're not asking that we be authorized to be the ongoing traffic control people for the next two hours until the scene is cleaned up; in fact, we specifically don't want to do that if we don't have to.

Currently, it is illegal for us to direct traffic at all, even for our own safety. With the propensity today for police departments to not even arrive at minor traffic accidents—they send you to your collision reporting centre—we actually are involved in the total cleanup of an incident and never see anybody to control traffic.

**Mr. Ouellette:** My comment—

**The Chair:** A short question.

**Mr. Ouellette:** My comment, though, was that when the police, fire and ambulance are all at the scene, you would have no problem relinquishing traffic control to the police if they ask for it?

**Mr. Grant:** Absolutely not.

**Mr. Ouellette:** OK. But should that be defined in legislation as well, to make sure there are clear-cut definitions on how it should be enacted?

**Mr. Grant:** I think if the authority were provided to firefighters—we have an ongoing co-operative, on-scene relationship with the police on a daily basis. When they've got sufficient personnel on the scene, which seldom happens, there would be no issue with turning over control of traffic to them.

**Mr. Marchese:** That would be my sense. You could write it in law, but my sense is that you would simply cede your authority to the police if they were there at the same time.

**Mr. Grant:** Absolutely.

**Mr. Marchese:** You could build in a protocol in law but I'm not sure that that's necessary.

I should tell you that Carol-Lynn Chambers came before us earlier. We got the impression that after months of discussion between yourselves or them and the government over the last five months—possibly longer—there seems to be agreement with the government to deal with



number one, which is allowing volunteer firefighters to use their personal vehicles to drive on closed roads. The government indicated that it's likely to move an amendment to that effect; if not, we opposition folks will do that.

I'm assuming you've had similar discussions with the government on the other two matters, around emergency turnarounds, and to provide traffic control at emergency scenes. I'm assuming that you've had those discussions and that they're moving ahead with those suggestions as well.

**Mr. Grant:** Those discussions have taken place. We haven't had as wide a stakeholder group working on those two issues because there wasn't as much industry interest, I don't think, in those.

**Mr. Marchese:** They appear to be very reasonable to me. It would be my sense that the government will introduce amendments to that effect, because I don't see anyone who might object to it, and if there is, we'll hear shortly. If they don't move that amendment, we will.

**Mr. Grant:** Thank you.

**Mr. Marchese:** You're welcome.

**The Chair:** From the government side, Mr. Lalonde.

**Mr. Lalonde:** Thank you again for making a presentation today. It's very important.

I'd just like to know if you are aware of the number of firemen—it could be volunteer, full-time or part-time—who are not aware that they're not covered by their municipal insurance when they drive to a fire scene.

**Mr. Grant:** I dare say that they all are very well aware that if they're in their personal vehicle, they are not covered by municipal insurance.

**Mr. Lalonde:** I had a meeting with all the fire chiefs in eastern Ontario about two months ago. None of them was aware that they were not covered. Ever since, the municipalities have been getting pressure from their fire chiefs that they want to be covered. At the present time, in the rural area most of the police know all the firemen and they just happen to let them go. But as late as last week, they were told that if the amendment is not brought forward in the bill, they would not let them go to the fire scene. So this would mean that we are playing with safety and the lives of our people.

**Mr. Grant:** In fairness, we probably wouldn't be here discussing closed roads if the vehicle that went down the closed road had not hit the police cruiser.

**Mr. Lalonde:** I just wanted to say that the minister, in his opening speech, mentioned today that he would introduce an amendment to include the volunteer firefighters. But it's not only the volunteers. In the city of Ottawa, for example, in Cumberland, they have part-times, and if the part-times are not allowed to drive through the barricades with their car, they won't get to the fire. It is very important that not only in the rural areas, in the urban sector also, we have full-time firefighters who are called in because of a major fire and at the present time they're not aware that they are not insured if they go past the barricade.

**Mr. Grant:** Oh, I see. I misunderstood your question. I thought you were asking if they knew it was actually

their own vehicle insurance that was covering them when they were driving it. They know that. Further to that, we've had additional conversations with the insurance industry and we're very close, we believe, on having the insurance industry agree to provide a one free accident to volunteer firefighters or firefighters responding in their own vehicles if they do have a claim. The insurance industry is very sensitive to the role they play in ensuring that the volunteer fire service can continue to operate in Ontario, and we're here today to ask for your legislative support to make that easier as well.

**The Chair:** Thank you, Chief. Thank you, Mr. Malmsten. We appreciate you being here today.

## CITY OF TORONTO

**The Chair:** Our next delegation is the city of Toronto, Mr. Howard Moscoe. Good afternoon.

**Mr. Howard Moscoe:** Thank you, Madam Chair. I've taken the liberty of providing the clerk with a certified copy of the city of Toronto's position on specifically—

**The Chair:** Mr. Moscoe, could I just do my preamble before you start?

**Mr. Moscoe:** Sure.

**The Chair:** Just so everybody's on the same page, you have 15 minutes. When you do begin, I'll have a timer going. If you leave some time at the end, we'll be able to ask you questions. If you could identify yourself and the organization you speak for for Hansard before you begin, please.

**Mr. Moscoe:** My name is Howard Moscoe. I'm a councillor in the city of Toronto and I'm bringing forward the position of the city of Toronto. I've taken the liberty of distributing the council report that was adopted. It's a certified copy. It clearly indicates that we are in opposition to the part of Bill 169 that relates to scooping at the airport. I'm going to outline the reasons why we're in opposition to that.

First of all, it's being considered in isolation. It has to be considered with subsection 155(2) of the Municipal Act, which allows airport authority vehicles to pick up in any Ontario city with close proximity to the airport and take fares back to the airport without paying municipal licence fees. This section has been an offence to Toronto taxi drivers and a festering sore for the last 27 years that it's been in place. It allows taxis and limos licensed by the airport to pick up passengers in Toronto, whereas it forces Toronto taxis to return from the airport empty. That's hardly a level playing field. This provision, which the city of Toronto, and Metro before it, has consistently opposed, has cost the Toronto taxi industry more than three quarters of a billion dollars, to the benefit of the airport authority, which makes millions on exclusive licences to airport taxi companies to the detriment of the Toronto taxi industry. So even when a Toronto taxi makes a pre-arrangement for a fare to pick up a passenger at the airport, they have to pay a \$10 pickup fee to the airport. The unfairness of this provision has been the primary cause of so-called scooping at the airport. Most



scooping occurs because Toronto taxis are forced to return empty.

On its surface, part IV, section 39.1 appears to be fair, i.e., picking up passengers without a licence is prohibited. Nothing could be further from the truth, so long as section 155 remains in place in the Municipal Act. The only place that this can be enforced is in a confined area like the airport. In a city where every corner is a potential location for scooping, it could never be effectively enforced, nor does the city have the resources to do so.

This bill is an infringement on the rights of municipalities, who have the primary responsibility for licensing. It flies in the face of the province's commitment to divest itself from interfering in the day-to-day operations of municipalities. The Premier and Minister Gerretsen have made a commitment to the city of Toronto and to the Association of Municipalities of Ontario to negotiate a new City of Toronto Act and a new Municipal Act.

1520

Right now, productive negotiations are taking place with the city of Toronto regarding a new City of Toronto Act, and this can only be interpreted as an end run around that process. To arbitrarily insert a licensing amendment into this legislation is a contradiction of the commitments that have been made by the Premier. I would respectfully recommend that this section be referred to the negotiations on the City of Toronto Act and the AMO discussions on the new Municipal Act, where it rightfully belongs.

I can appreciate that the reason that this section is before you is to enable the minister to fulfill an election commitment to his constituency. Within that constituency he personally represents a huge contingent of airport taxi drivers. As a politician, I can relate to that motivation. I attempt to fulfill my commitments to my constituency, and I do it assiduously. I can appreciate the motivation, but to that end, the legislation is self-serving. The minister's objectives must not be accomplished on the back of 5,000 Toronto taxi drivers and at the expense of the commitments that have been made by the Premier and the Minister of Municipal Affairs. I urge you to refer this section to the discussions on the City of Toronto Act and the new Municipal Act, where it properly belongs and where it can be considered in an entire context, rather than simply in isolation.

How much time do I have left?

**The Vice-Chair (Mr. Vic Dhillon):** There are about 11 minutes remaining. We'll start with the NDP side. You have a little less than three minutes.

**Mr. Marchese:** Thank you, Howard. It's good to see you. You are supporting a group of people who are looking for some fairness, and we are too. Part of what we have heard is basically what you were mentioning, and we know it isn't hearsay. There are a lot of kickbacks that are going on with limousine drivers who come from the airport, picking up people in Toronto and driving them back either to the airport or elsewhere, which is farther.

**Mr. Moscoe:** It's called a cookie.

**Mr. Marchese:** I didn't want to use the word "cookie"—

**Mr. Moscoe:** They put 10 bucks in their trunk, and the hotel doorman gets the cookie, and they get a fare back to the airport that they're not really entitled to.

**Mr. Marchese:** I don't believe that's in dispute, although there may be some who are still disputing that. It goes on regularly. Everyone seems to know about it, except those who don't want to know about it.

There may be some arrangement, as well, between some hotels and limousine companies that operate at the airport, and that, in my mind, is equally unjust and unfair to Toronto taxis, because if anything, they should be making arrangements with the Toronto taxi companies to be able to take people to the airport, rather than the other way around, because while that benefits the limousine companies at the airport, it does an injustice—

**Mr. Moscoe:** Could you shorten your speech? I want time to answer questions.

**Mr. Marchese:** It's just that you and I are saying the same thing. So I'm just blah-blahing like everybody else. I'm not sure I can ask you questions, given that you're making the same arguments as I am. I think we're saying the same thing you are. In the airport, they enforce it, and they enforce scooping very strongly. In Toronto, you can't, and that continues the unfairness to Toronto taxi—

**Mr. Moscoe:** That's why it has to be considered within the context of the whole problem, and that's at the table when we're considering the City of Toronto Act. The discussions on the City of Toronto Act have been extremely productive. So this is a one-off that seems to work its way around that, and it flies in the face of the commitment that the Premier has made. I hope nobody will take offence at this. Do the proper thing and refer it for productive discussions.

**Mr. Marchese:** We were going to support dropping of that section or deletion of that section in the act, or we could refer it—

**Mr. Moscoe:** Dropping or referral, but it's going to be discussed in the Toronto act and the Municipal Act, in any case, the capacity of the city to license and the licensing powers that it has. So that's where it properly belongs.

**Mr. Marchese:** I'm going to give away my time, Howard, to others who are going to ask you questions. How would you like that?

**Mr. Moscoe:** Please do that.

**The Vice-Chair:** Thank you, Mr. Marchese. It's the government side. Mr. Duguid?

**Mr. Duguid:** Thank you, Mr. Vice-Chair, and welcome, Councillor Moscoe, to Queen's Park here. You've been here many times, I'm sure, and it's great to see you again. Thanks, as well, for all the work that you've done in this particular industry. I know you've been involved for many, many years, and you can explain to the committee your historical connection to this industry.

**Mr. Moscoe:** I don't want you to misunderstand. I am against scooping, but I think it has to be balanced and levelled out. If Toronto cab drivers can't scoop at the airport, the airport cab drivers ought not to be able to scoop downtown. It has to be a level playing field, and



this, by considering it in isolation, looks good on the surface, but in fact creates an unlevel playing field. Does that answer your question?

**Mr. Duguid:** It almost does, except I haven't asked the question yet. I don't disagree with much of what you've said. What I want to discuss with you is that the legislation before us right now provides a little more teeth in terms of ensuring that those who are operating unlicensed and are scooping can be scooped up, can be prevented from doing that, whether it be at the airport or in Toronto. If you talk to the Toronto taxi industry, they will say that's good because there are some who are scooping without a licence. That's not their main problem. This doesn't address their main problem. I think we can say that that's clear, but it doesn't make their main problem worse.

Where we have to address that problem—and you're absolutely right in your deputation—is through the City of Toronto Act or the Municipal Act. I guess what I want to say to you today is that we have committed to reforming both of those acts. We're in the process of reforming the City of Toronto Act and the Municipal Act. I would welcome your continued involvement in that.

As I said to the Toronto taxi industry, I've spoken to the Minister of Municipal Affairs and Housing as recently as yesterday on this. There are some legitimate concerns being raised. I think, as we go through this process, we're going to have to take a very close look at making some amendments to take a look at some of those things.

**Mr. Moscoe:** With respect, Brad, I disagree with you. I think it's inappropriate to pull this item in isolation and not deal with it within the context of the commitment that's been made. Frankly, I do believe it will make things worse for Toronto taxi drivers.

**Mr. Duguid:** How is it, specifically, that this legislation makes it worse?

**Mr. Moscoe:** As I've explained to you, a lot of the scooping that takes place is basically Toronto taxi drivers who are unable to pick up passengers at the airport scooping fares out of the airport, and it's because there's not a level playing field. Make it a level playing field. Make the airport taxicabs go back empty, and our guys will gladly go back empty from the airport, or allow them both to pick up by some personal arrangement. That has to be worked out over negotiating tables. It's not worked out by slapping down an amendment out of context and passing it here. That's not good faith.

**Mr. Duguid:** I don't disagree with some of that, except what I disagree with in that comment is that it makes it worse. Clearly, it doesn't make it worse. It doesn't solve the problem that the Toronto taxi industry has. That problem's got to be considered under the Municipal Act and the City of Toronto Act. You have said that in your statement. I guess my commitment to you is that we're seriously going to take a look at it.

**The Vice-Chair:** Any more questions? It's the opposition's turn.

**Mr. Ouellette:** Thank you very much for your presentation. As stated, this will not resolve the problem. You mentioned the City of Toronto Act; do you believe it's only a Toronto problem? Are you hearing it elsewhere? Are you hearing the same in the other parts of the province?

**Mr. Moscoe:** It's less of a problem elsewhere in the province because of the particular structure and placement of the airport. The airport's just outside the Toronto boundary. Ottawa has it resolved. I know that most of the other cities have it resolved. So it's exclusively Toronto—almost.

**Mr. Ouellette:** Currently, the legislation that's there now can't be enforced. With the new legislation coming forward, how is enforcement going to take place? How do you think it can be resolved if they change the Municipal Act the way it should be so that it's a level playing field?

**Mr. Moscoe:** You write off subsection 155(2) of the Municipal Act. Get rid of it. Allow the city to work out its own licensing regime and we'll solve it. That's the premise. Unfortunately, this new piece can be enforced at the airport but cannot be enforced anywhere else.

**Mr. Ouellette:** And that's the concern—

**Mr. Moscoe:** It's one-sided.

**Mr. Ouellette:** Right. Do you think that eliminating those sections will resolve the problems in other jurisdictions in the province, if there are small problems there as well?

**Mr. Moscoe:** I think that might happen as well, but I think the whole premise of the new Municipal Act and the new City of Toronto Act is to allow municipalities to take care of their own internal affairs and to resolve these problems. We don't have the capacity to resolve them now. Somebody keeps dropping amendments on us.

**The Vice-Chair:** Thank you. Mr. Klees has a question.

**Mr. Frank Klees (Oak Ridges):** Mr. Duguid has admitted that this particular part of the act won't solve the problem. My question to the government would be, if that's the case, and given Mr. Moscoe's submission that this be considered in the context of the broader review, what is the rush to insist that it be in this legislation, and why would it not be accepted by the government to consider this in the broader context? I would just be interested in a response to what I think is a very logical request.

1530

**Mr. Duguid:** I'm pleased to respond to that. This legislation tackles the problem of those who are operating without a licence and poaching rides from those who are legitimate licensed cab drivers. So it does accomplish something. It accomplishes that.

What it doesn't do is address the concerns of the Toronto taxi industry in terms of the un-level playing field in going into the airport and in terms of the ability of the airport limo industry to pick up in Toronto. That cannot be addressed by amendments to this particular piece of legislation. That's something that must be considered and addressed through the Municipal Act.



We've given a commitment that we would take a look at that as we review the Municipal Act, which we're doing this year.

**Mr. Klees:** Would there be any consideration to perhaps not proclaiming this part of the legislation until this other issue has been resolved? I think the point that Mr. Moscoe is making is—he's not objecting to this either. His concern is in fact the level playing field, which, from a business standpoint, I think we all understand. In the interest of creating good legislation within the appropriate framework, would that be something that you would consider: simply not proclaiming this, deferring to that broader discussion?

**Mr. Duguid:** I think my response would be that this piece of legislation stands on its own as a completely independent initiative and has very little, if anything, to do with our considerations under the Municipal Act. That's a different issue and a concern that, in my view, has some legitimacy to it.

**Mr. Moscoe:** Can I comment briefly there, Mr. Chair? I've not made my point clear to Mr. Duguid.

**Mr. Duguid:** Actually, I think his point's been made clearly. I understand it and I think we're in agreement on it.

**The Vice-Chair:** Time's up. Thank you very much for your presentation.

**Mr. Klees:** Mr. Chair, I'd like to propose unanimous consent to give Mr. Moscoe another two minutes to make his point.

**The Vice-Chair:** Do we have unanimous consent?

**Mr. Moscoe:** It doesn't matter. I think my point has been made very clearly. Mr. Duguid can discuss this with his minister and determine whether or not this piece dismisses all the goodwill that we've had in discussing the Municipal Act, which is going very well.

**The Vice-Chair:** Thank you very much, Mr. Moscoe.

#### AIRPORT TAXI-CAB ASSOCIATION

**The Vice-Chair:** The next group is the Airport Taxi-Cab Association. Good afternoon. For the record, could you please identify yourself? You have 15 minutes to speak and the time that's left over will be divided up amongst the three parties for their questions or comments. You may begin.

**Mr. Rajinder Singh:** Honourable Vice-Chair and members of the committee, good afternoon. My name is Rajinder Singh. I am president of the Airport Taxi-Cab Association. I am here to support the new legislation which is going to curb unauthorized cars everywhere in Ontario. Even though this bill might not be going to affect the airport as it is, my submission is relevant.

The illegal practice of operating a taxi or limousine without the appropriate licence or permit, commonly referred to as scooping, continues to be a chronic, serious problem at Toronto Pearson International Airport and in metropolitan Toronto. Illegal taxi/limousine fare scoopers solicit unsuspecting passengers traveling through Toronto Pearson, often subjecting them to aggressive tactics,

exorbitantly high fares, potentially unsafe vehicles and inadequately trained drivers. Not only is passenger safety and comfort often sacrificed, but fares end up being taken away from licensed and legitimate drivers.

The Greater Toronto Airports Authority has admittedly failed to completely eliminate the ever-growing problem of illegal taxi and limousine fare scooping at Toronto Pearson in order to provide a safe environment for passengers and to protect the business interests of our legitimate and licensed taxicab and limousine operators. There is at present no federal or provincial legislation whatsoever to regulate such activities punishable with substantial penalties for first-time and/or repeat offenders operating their unlicensed vehicles at the Lester B. Pearson International Airport for commercial purposes.

The fact of the matter is that 192 unlicensed cars, as per the list enclosed, were actively operating for scooping fares during 2002, within a range from metropolitan Toronto extending to Pearson airport and vice versa. The committee may well speculate that the number of scooping cars must have doubled by now, undoubtedly.

We also emphasize to this committee the importance of distinguishing between authorized and unauthorized operating vehicles by the public. We would in this regard request that the installation of a metal plate clearly showing it to be a commercial vehicle may also please be laid down as a mandatory provision in the legislation under debate.

We strongly support the proposed Ontario provincial legislation being applicable all over the province and request that the text of the legislation should please have a specific reference of its application also to the lands owned by the federal government of Canada and leased out to federal or non-federal organizations in Ontario for commercial purposes, regardless of whether the leaseholders are private or public enterprises.

We are looking forward to seeing the proposed legislation successfully navigating the legislative process and eventually becoming the law of the land.

**The Vice-Chair:** Thank you, Mr. Singh. We have about three and a half minutes for each party. We'll begin with the NDP.

**Mr. Marchese:** I thought I began the last time. Mr. Singh, you've been here for a while and you heard some of the deputants. Is that correct?

**Mr. Rajinder Singh:** I heard Mr. Moscoe.

**Mr. Marchese:** One of the things that people are saying is that anti-scooping amendments generally are included in the Municipal Act and that's where changes are made. A number of people are saying that by including this anti-scooping piece in this bill under the transportation act, it further entrenches an injustice to the Toronto taxi industry. While I agree with the idea of creating anti-scooping amendments or legislation that deals with illegals at the airport, I also agree with the taxi industry in Toronto that there's an unfairness going on. You must have heard me and others say that. I wondered what you feel about that. Do you feel for them? Are you worried about them? Do you think that something should



change? Or are you just looking at this particular piece because it benefits you, and you're saying, "God bless. We'll support the Liberals, we think it's great and we'll move on"?

**Mr. Rajinder Singh:** It's not that. I started driving a cab in 1982 from post 5, which is known as the Jane and Finch area. I worked there for four years, and I know the pain of the taxicab drivers who are working in the city. I have worked at the airport since 1986. This legislation is not for the licensed taxis; it is only for the unlicensed taxis. As I said in my submission, there were 192 cars which were operating in 2002, scooping from the city as well as from the airport.

1540

**Mr. Marchese:** OK. Let's just say I agree with that, so we don't have to debate whether or not we're dealing with the others. Let's say we agree on that. What we have been discussing is—including Mr. Duguid, who seems to be very sensitive to this issue. We're saying that when a Toronto taxicab has to go to the airport, they have to pre-arrange it. You've got to do that, and you've got to wait and hope that the person comes. You also have to pay 10 bucks. It makes it very unrealistic and tough for these people to do that. So I suspect it doesn't happen all too often.

But you're able to go to Toronto and, through a number of arrangements with hotels or individuals who work in those hotels, your industry is able to go back to the airport with someone in that limousine. So you get the benefit of coming from the airport and taking someone to Toronto and going back, either to the airport or somewhere else. Do you think that's an unfair practice that unfairly—it fairly helps you, but unfairly doesn't help the Toronto taxi people. Do you think it's a problem? Do you think we should solve it somehow?

**Mr. Rajinder Singh:** There is a problem, but the problem is not the airport taxis. Our businesses all depend upon the pre-arranged. I am driving an Airflight and we have Aerofleet. We have at least 500 charge account customers down here when we are serving them from the airport and down here. But we never go to the hotels and never pay any cookies to anyone. We create our business ourselves, and we are not taking any of the city taxis' share.

**The Vice-Chair:** We'll go to the government side. Any questions?

**Mr. Lalonde:** Thanks again for taking the time to come and make a presentation to this committee. Can you tell me how many taxi licence plates we have at the airport?

**Mr. Rajinder Singh:** Right now we have 596, and 40 new ones are coming very soon.

**Mr. Lalonde:** What is the cost of a licence?

**Mr. Rajinder Singh:** Right now a limo costs \$5,100 a month.

**Mr. Lalonde:** But the licence to pick up people at the airport?

**Mr. Rajinder Singh:** Limos are paying \$616 a month and taxis are paying \$570 a month.

**Mr. Lalonde:** That is for a limo from the airport?

**Mr. Rajinder Singh:** From the airport; just to have the right to operate from the airport.

**Mr. Lalonde:** How long have you been operating from the airport?

**Mr. Rajinder Singh:** Since 1986.

**Mr. Lalonde:** On an average, how many trips a day would you have from Pearson airport to downtown Toronto?

**Mr. Rajinder Singh:** It's 7.8 for taxis and 8.5 for limousines.

**Mr. Lalonde:** So you've got a lot of waiting time at the airport before you—

**Mr. Rajinder Singh:** Every wait is two and a half hours.

**Mr. Lalonde:** Two and a half hours of waiting time. Compared to Toronto, you could do the run down and pick up a passenger.

Many times previous, reporters have said that a lot of people have attended and paid \$200,000 to the minister, which was probably not right because the fundraising was a total of \$200,000. I'm told only two taxi drivers have attended that fundraiser. Were you one of them?

**Mr. Rajinder Singh:** Yes, I was.

**Mr. Lalonde:** You were, OK.

Does your association have any deals with hotels for scoopers or cookies?

**Mr. Rajinder Singh:** No, sir.

**Mr. Lalonde:** You mentioned in your statement here that there are 192 unlicensed cars, as per the list supplied to us. Have you ever notified the police or security guards at the airport about those scoopers?

**Mr. Rajinder Singh:** As a matter of fact, this list was provided to us by Mr. Moscoe's office.

**Mr. Lalonde:** You know that as a Canadian, you're entitled to report anything that you see that is unfair.

**Mr. Rajinder Singh:** All the police have the numbers. Peel police have the numbers and metro Toronto police have the numbers of these cars. This list is from 2002.

**Mr. Lalonde:** I just want to make clear again that this legislation is not only for the city of Toronto; it's for the whole of the province. I know that in Ottawa, even though it's one city, different taxi licences have been given from previous municipalities that are still entitled to issue those licences. At the present time, negotiations are going on at the same level as we are. The purpose of this bill is public safety. That is the main reason for this bill. Are you aware of that?

**Mr. Rajinder Singh:** Yes, I am fully aware of that. I am also aware that this bill as it is might not be applicable on federal land. That's why I made a request in my submission to please make it applicable at the airport also.

**The Chair:** Mr. Klees, I believe you're next.

**Mr. Klees:** Thank you. This list of 192 illegal taxis in your submission: How did you come to have this list?

**Mr. Rajinder Singh:** This list has been provided to us by Howard Moscoe's office.



**Mr. Klees:** Howard Moscoe's office provided you with this list of illegal cabs?

**Mr. Rajinder Singh:** Yes.

**Mr. Klees:** When did he provide this to you?

**Mr. Rajinder Singh:** When they were asking about the scooping problem, we tried to convince them. We invited Mr. Moscoe to the airport and took him around the airport and near the coffee shop and the hotels where all those unlicensed cars were sitting, waiting to scoop. We told him that those were the people who were scooping in the city as well as at the airport, and they're unlicensed and uninsured. He was pretty much convinced at that time.

**Mr. Klees:** So was it Mr. Moscoe who made a list of all of these licence plates?

**Mr. Rajinder Singh:** I think the commission made the list.

**Mr. Klees:** The commission?

**Mr. Rajinder Singh:** Yes. He was chair of the taxi committee. When we were in the meeting at that time, that list was given to us.

**Mr. Klees:** That's very interesting. As far as I'm concerned, I can assure you that I will support the minister and the government in ensuring that people who are unlicensed should not be doing business; that's an important principle. As a former Minister of Transportation, I'm not unfamiliar with the issue. I do have a concern, and the concern is similar to that put by Mr. Moscoe; that is, that we solve both sides of the problem, that we not solve one problem and leave another group of people in this industry hanging until such time as the government gets around to it.

I would ask you, similar to Mr. Marchese—being in the industry, surely in the same way that you have challenges on your side, you would recognize that there are the problems on the other as well—would you consider asking the Minister of Transportation to deal with this issue in that broader context? You see, there should be no reason why you, as an association, or limo drivers, come out of this discussion in a negative way. The entire industry should be happy with this when all is said and done.

**The Chair:** You have 30 seconds.

**Mr. Klees:** Unfortunately, the way this is being handled, we're causing polarization. Would you support asking the minister to deal with this matter in the broader context so that we can come up with a reasonable solution that solves both sides of the problem? It's a matter of timing. The Minister of Transportation is a very powerful individual in the government. He has the ability to accelerate this negotiation process through the Municipal Act and the City of Toronto Act so that both problems can be solved. Would you support that?

**Mr. Rajinder Singh:** I regret to say, no, because you are comparing bananas to apples.

**Mr. Klees:** Could you explain that?

**Mr. Rajinder Singh:** This problem is only related to unlicensed cars, and you are dragging down licensed cars. The licence issue is an entirely different issue. You

know and everyone in this room knows that that is the Municipal Act. We have some problem with the Municipal Act too, because the Municipal Act gives a lot of power to the GTAA. You are not going to resolve that problem right now. But the problem we have been facing for years is unlicensed cars, and now is the time. I request that you don't try to do that just for the sake of politics. Please let the legislation pass as soon as possible for the safety of the people who are suffering down here from these illegal cars.

**The Chair:** Thank you very much, Mr. Singh. Your time has expired.

1550

## PUNJABI POST

**The Chair:** Our next delegation is somebody from the Punjabi Post. I think the name we have here is not spelled correctly. Can you spell that for me?

**Mr. Karam Punian:** Thank you, madam. My name is Karam Punian. I am working with the Punjabi Post, a daily Punjabi newspaper. We have a radio program on AM 770 too. I am a driver at the airport as well.

**The Chair:** OK. When you begin, you'll have 15 minutes. Should you use all your time, there won't be an opportunity for questions. You may begin anytime you like.

**Mr. Punian:** Thank you. Ontario is, we feel, the engine that drives Canada strongly along. The legislation introduced is not only for one part or one city; it is for the whole of Ontario. If something is wrong in Mississauga, Etobicoke or Thunder Bay, the legislation covers all.

I came here around an hour beforehand. I see that people are fighting just for personal reasons. Nobody is paying attention on a provincial basis. On our part, we've spoken on this issue five times on our radio talk show. I've covered this issue in our paper at least five or six times. What's happening is that most of the people who get scooped, especially from the airport, forget their luggage or their wallet in the car. Then we get a call in our office at the radio station or at the newspaper: "It was the East Indian guy. Your paper is East Indian. I left such and such...." We say, "We're sorry; we can't track it."

I want to mention that I am driving with Aerofleet, the largest fleet at the airport, with 120 cars. I am part of the management team. Today, until 2 o'clock, we dispatched 380 orders from our office. Three hundred and fifty-five were from residential places, none from the hotels. There are more than 65 corporate customers with better companies travelling with Aerofleet. They're at corporate offices or staying at hotels, and they call us from there.

Aerofleet is a co-op company. It is owned by 100 individuals. In our by-laws, it is illegal to scoop any fare from a hotel by paying cookies. In our company—not only my company; there are three other companies—they punish the driver with a suspension if he picks up a fare from a hotel by paying cookies. I say, not as a challenge but with confidence, that if any member in this room finds Aerofleet—this is the group card—picking up any



fare from anyone by paying cookies, I will be liable for that.

I was hearing from Mr. Moscoe that this is playing games. It is not politics. It is regarding the safety of all Ontarians.

The issue regarding fundraising: I myself have been a New Democrat since I joined the glass factory, working for \$4.50 each hour. I am still a New Democrat. What happens in our community working at the airport is that they do not attend only one party's fundraising dinner. What happened last time was that a few people attended the Liberal fundraiser; a few attended the Raminder Gill Conservative fundraiser. I myself attended the Sodhi fundraiser—the NDP candidate from Etobicoke. The people were paying to each and every political party, not only the one party.

Secondly, I read in the Toronto Taxi News, last edition, that most of the people live in the minister's riding. That's not true. We did our own study. Only five members who work at the airport live in the transportation minister's riding.

The average run rate, like the colleague before me said, is almost more than two hours of waiting time. All the airport cars, which deliver almost 400 passengers a day all over the city, take back not even 10% of that.

Before Mr. Moscoe, there was a gentleman here talking as a customer of a witness, and I want to make a point or two; I want to make a point about one gentleman with a blue coat sitting there in the audience. The airport authority is spending \$4 million a year for security purposes. What was that gentleman doing at the airport, inside the terminal, with a walkie-talkie? The gentleman who was sitting here has no licence—no metro licence, no Etobicoke licence, no airport licence—just a regular car. They send one person inside the terminal on a walkie-talkie, they approach the customer inside, they give them a phone call, and they come over and try to pick up the customer. This gentleman, Mr. Trabulsey, owns the ambassador team in Toronto. What he does from morning to evening is, he is the ringleader of the illegal people. There are more than 200 scoopers. They worship him as a god. Why? He goes before, and there are 10 drivers following him to the platform. He picks them up and he collects money in a pool. It is organized crime, if you're talking about the airport; so the gentleman here and the gentleman there.

Ontario, as I said, is the engine and Toronto is the gateway. What's the first impression we give to the community, to somebody coming from Hong Kong or from Europe? We don't want to see two drivers fighting, with the bags in the hands of the customer who is trying to attend a meeting. We don't want that. We need safety in transportation in all of Ontario—from all walks of life and from all states.

The illegal car list was provided—what we did, with the co-operation of the Greater Toronto Airports Authority, as volunteers working with them, was that we spent seven, eight or even sometimes 10 hours a day there manually collecting the number of cars a day coming

without licences. We did it with the hard work of four or five years.

Now there are over 250 unlicensed cars operating in southern Ontario, especially in downtown Toronto and at the airport. What happens is that they pick people up at the airport. They have an understanding with the door-men. They are the people who are screwing the whole system. They are not only screwing the system; as taxpayers, we are losing money too. What happens is that they aren't paying for insurance, they aren't paying for vehicle standards, they're not paying anything; they just have a regular car and pick people up. I personally, working with the media and working at the airport, don't want to see anybody being charged \$180 to go to the airport. I don't want anybody being picked up at the airport who leaves his luggage in the car and is not able to get it back, because if he comes forward, he is subject to being charged.

As he mentioned the fees, I'd like to mention, as Mr. Moscoe said, that he was playing games since day one. All the airport cars pay the same fee as the other regular cars pay to the municipality. Above that, the airport cars pay the extra fees to the Greater Toronto Airports Authority. No airport cars pay a lower fee than the regular cars who are paying the municipality.

I strongly say that there is no bylaw in Toronto or in any municipality—all the cars have to provide the service, even in bad weather. What's happening at the airport is—let's say there is a 30-centimetre snow-storm—that the airport authority tells us, "We need so many cars here," or "We need all the cars here." We have no option; we have to go there. We are working there as a commitment to the service. We're not going there and just waiting two or three hours or any length of time. What I'm saying is that as part of the airport services we have to, and the municipal part doesn't have to. Those people who are pretending—as I mentioned, Mr. Trabulsey—are not the taxi drivers. They are, I would say, a shame for all of us because so many people from my community are doing the same thing. It is a shame for our city, it is a shame for our province, because we're giving the impression to the person who comes to do business that those things are happening there.

Thank you very much, and I am open for any questions.

1600

**The Chair:** Thank you. Sorry; I was distracted there for a minute. We have two minutes for every delegation, beginning with the government side. Mr. Lalonde, do you have a question?

**Mr. Lalonde:** Thank you ever so much for coming in this afternoon. You said that people who attend the fundraisers—I'm not going to ask if you have attended—are going because they want to be kept informed, not necessarily as a fundraiser for the Liberal Party. If a minister goes down to any of the fundraisers—I always went. Even when I was in the opposition, I would go whenever a minister from the PC Party was addressing the group.



I am a Canadian and I am white, so you'd better not say that I come from Hong Kong when I get to the airport. As I said a little while ago, the scoopers will never get my business.

Have you ever made an effort to report those people, the type of scoopers I've just heard about? They're unlicensed people. They're dangerous to the public. They're people without any insurance that would carry them or transport them to downtown or any place. Have you ever tried to report those people?

**Mr. Punian:** I will answer your first part, as you stated in the beginning. At the airport, if anybody goes to any event, like fundraising—there's not only political fundraising; there's fundraising for Mount Sinai Hospital, for Sick Children, for the Peel hospital—there is the notice board and the notice comes on the notice board, "So much money was given and so many people attended." In that fundraiser, only one table was bought by the airport driver and the notice was at the airport notice board that one table was booked by the airport driver as a Liberal fundraiser dinner. In our fundraiser, we mentioned our—that we attended so-and-so fundraiser at so-and-so. Even at the hospital—

The second that you said, that they be reported, we're doing every day. What I will do personally—the airport authority wastes most of their grounds staff chasing these people. Let's say two guys with two vans with six people—they get paid more than \$20 an hour. They force Mr. Trabulsey from Terminal 1; he moves to 2. They force him from there, then he moves to 3. If they move to 3, then he moves to 1. Most of our taxpayers' money is wasted on those people.

We report to the Peel police, we report to the Greater Toronto Airports Authority, and they ask for help from each and every one. We're trying to contribute what we can. The airport is not doing much on their part, but we're doing our part, what we can. At the same time, we're working with the Peel police. There are two constables there. They try to come over in the rush hour or other times so they can help the general public.

**The Chair:** Mr. Klees?

**Mr. Klees:** You made some very strong statements in your remarks. I would ask you to tell me exactly what you meant when you suggested that Mr. Moscoe was playing games in his submission. What exactly did you mean by that?

**Mr. Punian:** Thank you for the question. All those hotels from where those unlicensed cars are picking fares were licensed by the municipality of Toronto. Why don't they make it part of the licence or bylaw—I'll give the example of Hotel X or the Delta Chelsea hotel—"I am going to renew your licence. I don't want to see any unlicensed person dispatched from your hotel to pick up a passenger." They can do it, but they never did it.

It is a very strong group. The scooper group is a very strong group. There are about 250 cars, and two people are working on each car. There is the group of 500 people. So they are supporting these cars.

Mr. Moscoe was shaking hands, in the room and outside, with those people. What I mean is, if Mr. Moscoe is so serious about this problem, he can make the municipal bylaw. He doesn't need the provincial bylaw, he doesn't need the federal bylaw; he can simply pass in the council that no hotel can be licensed if it is allowing these illegal activities, but he's not doing that. He's playing politics. That's what I mean.

**Mr. Klees:** I'm sorry that I wasn't here for the full day of hearings, so I missed the context of the reference that the parliamentary assistant made to you and other speakers about this fundraising event. You made a point of referring to it. Has there been a suggestion that there was something inappropriate about that?

**The Chair:** Sorry; you've got about 30 seconds to answer.

**Mr. Klees:** Has there been a suggestion that there was something inappropriate about this fundraising event?

**Mr. Punian:** No, nothing at all. If you're talking about the airport, the majority is the Indian-Punjabi community. We are very generous, not only to—it's nice to live in a democracy; it's nice to have so many different political parties. It's nice to be part of that. We're doing, and I'm a part of that too, not only for political purposes; we're doing for social, for abused women, for Peel police, for fire, for hospitals, and it's nice to be part of that.

**Mr. Klees:** Just the fact that you felt it important to mention it is why I refer to it.

**The Chair:** Thank you, Mr. Klees. Your time has expired.

Mr. Marchese, you have the floor.

**Mr. Punian:** Nothing wrong. I said nothing wrong.

**Mr. Marchese:** Out of curiosity, have you ever, in the history of your involvement, been to an NDP event where we managed or were able to raise from the Punjabi community \$200,000?

**Mr. Punian:** I can tell you what I remember at the recent one. I remember only that by working 20 hours in a day, I made only \$3.

**Mr. Marchese:** That was just a silly question. I was making fun. New Democrats can barely raise a couple of thousand bucks every time we have a fundraising event, that's all. God bless the Liberals and the Tories that can raise \$200,000 every time they decide to have an information meeting. That was it.

I have to tell you that I find it truly unjust in terms of the ability of the limousine people to go to Toronto and go back with a ride. You're all trying to make a living. Taxis in Toronto are trying to make a living. It's very difficult for them to have to go through the incredible runs to make 35 or 40 bucks and make some money at the end of their shift. I think it's wrong. We need a level playing field, and people are speaking to that; I'm speaking to that. I find it unfair.

This amendment that's in the transportation act that allows anti-scooping at the airport ought to properly belong in the Municipal Act, and that's where we should be debating it. They don't want to debate it there because



it opens a can of worms. That's why it's here, under the guise of safety.

I'm looking for some kind of justice for all of you in terms of how you can all make a living, and I believe that taxis don't have the same opportunity to make the fair living as the rest of you do.

**Mr. Punian:** Unfortunately, I don't agree with you. I'll give you the reason why I don't agree with you. I worked as a volunteer for three years in the city of Mississauga, giving advice to the same committee—regarding the public vehicle advisory committee. In the Municipal Act, what somebody presented to us in our Mississauga meeting was that not only the airport cars, but all registered cars have the right to pick up anywhere. The condition is that the destination be out of the municipality. If you're mixing that thing only with the airport, that's not fair to them either. All the companies, all the licences, can pick up from anywhere. The condition is that the destination must be out of the municipality.

So what is happening is that this is the chemistry of three things: There is the federal regulation, the provincial regulation and the municipal legislation. Those three regulations make the chemistry, and there are so many laws. One is covered under federal, one is covered as provincial and another is covered as municipal. What happened? As you said, the Liberals were playing games. At the same time, we're not talking about who can pick up from where and who can drop them there. No, Ontario is only talking because, as I said in the beginning, in a democracy, the public is the government, and the government is the public. It's their first act to save the public. So whatever they're doing—

*Interjection.*

**Mr. Punian:** Let me finish, sir.

**Mr. Marchese:** We're running out of time.

**The Chair:** You need to wrap it up anyway, sir.

**Mr. Punian:** Whatever they're doing, they're trying to protect the public. For Ontario, not for the airport, not for the downtown.

**The Chair:** Thank you very much for coming.

**Mr. Punian:** Thank you for your time.

1610

#### AIRPORT LIMOUSINE DRIVERS ASSOCIATION

**The Chair:** Our next delegation is the Airport Limousine Drivers Association, Mr. Dhillon. Does everybody have one of Mr. Dhillon's handouts? Good afternoon and welcome. Thank you for coming. If you could identify yourself and the organization you speak for. You will have 15 minutes to speak. Should you use all of that time, there won't be an opportunity for us to ask questions. You have the floor.

**Mr. Vicky Dhillon:** Good afternoon, everyone. My name is Vicky Dhillon. I am president of the Airport Limousine Drivers Association. I would like to thank you for the opportunity to appear before this committee to

express safety concerns that exist as a result of the presence of scoopers at Pearson International Airport.

In the past, on several different occasions, the airport taxi and limousine associations have brought forward this issue of scoopers to the attention of various government bodies for corrective action. These scoopers operate illegal, unsafe and unauthorized vehicles at Pearson airport and offer transportation service to ignorant passengers. The passengers are unaware of the dangers these scoopers pose to their personal safety and are also harassed and taken advantage of by these lawbreakers.

Drivers that could possibly have criminal records scam these innocent passengers for extremely high fares, but vehicles that are unsafe and uninsured for public transportation usage pose the greatest risk to them. These scoopers do not follow any safety rules and regulations established by the Ministry of Transportation that may apply to their vehicles, nor do they purchase insurance and protect the passengers that they carry, also a requirement established by the Ministry of Transportation.

If this issue is not managed promptly and effectively, we could be faced with a situation where a passenger's safety could be put at great risk, leading to bad publicity for our great city and a significant hit to our tourism industry. Further, a personal claim of damages could also be brought against the Greater Toronto Airports Authority and the government of Ontario. The GTAA and the Peel Regional Police have unsuccessfully attempted to handle this issue in the past. We hope that this will offer support to the efforts of the GTAA and the Peel police to control this issue. We request that this bill should introduce hefty fines to offenders who are caught operating as scoopers at the airport.

Finally, from a personal viewpoint, these scoopers, with much lower costs of operation, also negatively impact the livelihood of not only the Airport Limousine Drivers Association members but also drivers who operate public transportation services authorized and in compliance with established Ministry of Transportation rules and regulations. We are left to wonder why we should follow these rules established by the Ministry of Transportation when these scoopers choose not to, and your government lets them get away with it. Kindly note that the Toronto Star also published an article on this very issue last year.

Thank you again for this opportunity to appear before you to present our concerns.

**The Chair:** Thank you, Mr. Dhillon. You've left about two and a half minutes for each party, beginning with Mr. Klees.

**Mr. Klees:** Thank you, Mr. Dhillon. In your definition of scoopers, are we talking in large part about taxi drivers licensed in the city of Toronto or are you talking about people who have no taxi licence at all and are somehow infiltrating this business? Can you comment on that?

**Mr. Vicky Dhillon:** Scoopers are the people who don't have licences from any city. They pick up fares without any licence from the airport and from the cities.



**Mr. Klees:** So those are the people you're concerned about?

**Mr. Vicky Dhillon:** Yes.

**Mr. Klees:** You're not talking about—

**Mr. Vicky Dhillon:** No, I'm not talking about city taxis. I'm talking about scoopers who don't have any city or airport-authorized plate or permit to pick up passengers and they don't have any kind of permit to serve passengers or to transport passengers.

**Mr. Klees:** You made reference to the safety and the character or backgrounds of the people who drive these cars and are doing the scooping. With regard to your business and your association, can you tell me what kind of background checks are in place for people who drive in your organization?

**Mr. Vicky Dhillon:** When we get airport limousine licences, we give them all the information: when they come to this country, what they have done in the past. The airport authorities always check our records. We are not criminals. I don't have any background. If a scooper doesn't have any record at the airport or in any city, he or she can pick up any customer, any passenger from the terminal or even a lady in the parking lot.

**Mr. Klees:** Just out of interest, is there a formal criminal background check mandatory for drivers?

**Mr. Vicky Dhillon:** Yes, there is. I'm worried about the passengers. If somebody comes from out of the country and doesn't know the difference between a taxi and a limo and the scoopers pick them up in the parking lot, they could assault a lady or take their luggage, or if someone leaves their luggage in the car, how are they going to get it back? That's the main concern.

**Mr. Klees:** Just finally, do you believe that the same rules should apply to limo drivers as to taxicab drivers who are licensed in the city of Toronto?

**Mr. Vicky Dhillon:** They should be because they are responsible. They are ambassadors of the city.

**Mr. Klees:** So that would be the objective: to have the same rules for everyone in the industry?

**Mr. Vicky Dhillon:** Yes, there should be the same rules for all the drivers because the drivers are the ambassadors of the city. They are the one person, when someone comes out—they always deal with taxi drivers, who tell them about the city.

**The Chair:** Mr. Marchese?

**Mr. Marchese:** Any relation to Mr. Dhillon? Just the same name?

**Mr. Vicky Dhillon:** The same name, but his name is Vic; my name is Vicky.

**Mr. Marchese:** I noticed that. Just the "y" is there.

Just a couple of questions. I heard from Mr. Punian that they don't do any illegal scooping. I heard from other limousine services from the airport that they don't do any illegal scooping. Do you think anyone is doing it, and who's doing it?

**Mr. Vicky Dhillon:** That's what I said before. The scoopers are the people who don't have any licences.

**Mr. Marchese:** So those are the ones doing it?

**Mr. Vicky Dhillon:** Yes.

**Mr. Marchese:** You guys are not involved because you wouldn't do it; right?

**Mr. Vicky Dhillon:** No, we don't because we are legal. We pay the fees.

**Mr. Marchese:** Of course. So you only pick up those people in Toronto when you come to Toronto from the airport on a pre-arranged kind of arrangement. That's what you do all the time?

**Mr. Vicky Dhillon:** Yes. When our passengers call to our companies, then our company is dispatched to pick them up. Mr. Jones is calling at the Hilton Hotel and we go pick him up.

**Mr. Marchese:** When you go from the airport to Toronto, how long do you wait in Toronto for a pre-arranged pickup?

**Mr. Vicky Dhillon:** Almost two hours.

**Mr. Marchese:** At the airport you wait for two hours sometimes and in Toronto you wait for two hours?

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**Mr. Vicky Dhillon:** Yes, sir.

**Mr. Marchese:** So you're not making a living.

**Mr. Vicky Dhillon:** That's why we're crying. We're losing our business. Those scoopers take our fares.

**Mr. Marchese:** So why are so many people in the business if they're not making a living? I don't get it. Somebody's—

**Mr. Vicky Dhillon:** That's why there was a strike at the airport. Maybe you read about it in the newspapers.

**Mr. Marchese:** So if you're doing poorly, the city guys are doing even worse. They're not making a living either, then, presumably.

**Mr. Vicky Dhillon:** I know they are also surviving. But the city should do it for them. The city should pass a law for them. They should stop illegal cars picking up the fares.

**Mr. Marchese:** I agree with that. So the people who are involved in this cookie business—I hate the term; I don't know who invented that—are not you guys who are licensed but the unlicensed ones, the illegal ones. OK. Thank you.

**The Chair:** We have more time, and government speaker Deb Matthews.

**Ms. Matthews:** Thank you, Mr. Dhillon. My knowledge about this whole business before I started sitting on this committee was almost none, so it's been a pretty steep learning curve for me. Maybe you can help me understand one aspect of this. Currently, it's illegal to scoop at the airport. It's illegal for people to solicit from within the airport, yet everybody who comes to the airport on a regular basis reports that it's very common for them to be approached by people with cellphones who are looking for fares, circumventing the system. Tell me what happens now to prevent that from happening and tell me how this legislation will help prevent this activity from taking place.

**Mr. Vicky Dhillon:** Whenever we talk to Peel Regional Police or the GTA—I sent one letter to the Minister of Transportation about scooping, and I have a copy of that too. When we talk to the Peel Regional



Police, they always say that they don't have any bylaw to stop them, they don't have any provincial law to stop these illegal scoopers who pick up the customers from the airport. They can only send them from one terminal to another. If one scooper is picking up at Terminal 3, when they see the Peel police who say, "You guys cannot pick up any," then they go to Terminal 2. When the Peel police or GTA inspectors follow them, then they go to Terminal 1. All the inspectors and Peel Regional Police spend their time sending them from one terminal to another terminal.

Only this law, Bill 169, can stop these scoopers because this law is very strict. They can give them fines when they catch them picking up passengers from the airport, or from anywhere in Ontario.

**Ms. Matthews:** So this bill will be necessary to prevent the problem that we've been hearing so much about.

**Mr. Vicky Dhillon:** Yes, this bill is necessary to protect us.

**The Chair:** No further questions? Seeing none, thank you, Mr. Dhillon. We appreciate your being here today.

#### GILLES LAVIOLETTE

**The Chair:** Our next delegation is Mr. Laviolette. Did I say that right? Yes? Excellent. I've got a few other names here that are going to be even more tricky. I hate to get them wrong.

You're an individual that's speaking. Are you speaking for an organization or for yourself?

**Mr. Gilles Laviolette:** For myself.

**The Chair:** OK, so you have 10 minutes. We appreciate your being here. If you could state your name before you speak, and when you do speak, you'll have 10 minutes. Should you leave some time, we'll be able to ask you questions.

**Mr. Laviolette:** My name is Gilles Laviolette. First of all, I'd like to thank you for letting me speak today. Unfortunately, I don't represent the hard workers of the province of Ontario, but ones that want to have a little fun.

I'm here today to address three issues related to the registration of vehicles and the licensing of drivers for the purpose of towing vehicles for personal recreational purposes; in other words, for pulling trailers for recreational purposes. My main vehicle is a Ford 250 pickup truck, which we use for everything from doing groceries, going to church and towing our house travel trailer, as well as my trailer for my antique car.

I've been driving for 39 years. In June, I found out the hard way—not by being unsafe in my driving, but through the paperwork, facing almost \$1,500 in fines—that the definition of a "pickup truck" is a "commercial vehicle." All pickup trucks in Ontario are commercial vehicles. Because my vehicle is used for towing my trailers, it now has to have a registered gross weight over 4,500 kilograms, and is subject to the commercial vehicle operator's registration—that's CVOR—the same as the

big truckers, the semi-trailers and dump trucks, whether the trailer is attached or not, except when towing the house mobile trailer, my travel trailer for the family.

Towed vehicle weight in relation to class of drivers' licences: With regard to the licensing of drivers, it is clear that when the weight of a trailer exceeds 4,600 kilograms, a class A licence is required. According to the illustration on the Ontario government Web site, the weight of the towed vehicle is the weight that is transmitted directly to the ground when the towed vehicle is connected to the truck, as you can see from the diagrams that came off the Ontario government Web site.

According to this example, if the weight transmitted to the ground by the trailer is less than 4,600 kilograms, only a class G normal licence is required. However, there seems to be a grey area in interpretation in which enforcement officers will have us detach the trailer to determine its weight. So if the weight's not high enough, they get us to detach it to make sure they can lay a charge against us. Most house travel trailers being sold today exceed 4,600 kilograms standing alone, but transmit less than 4,600 kilograms directly to the road when being towed. This inconsistency means that, depending on the enforcement officer, people driving their house travel trailers or other personal trailers may be charged and their truck and trailer impounded because they're told they need a class A licence.

I checked with about 30 owners and found that only one had a class A licence, and he only had one because his job required it. None had been informed when buying or licensing their vehicles that they might require a class A licence, nor had they discovered this by themselves. Each of these citizens could be made out as lawbreakers if the regulation was not consistently enforced, remembering that MTO has never enforced these laws. My friend, Fred Lonchamp, a retired OPP inspector himself, is not following the law because he never knew it existed.

I propose that it be made clear that the weight of any trailer, large or small, must be determined by the weight transmitted to the ground while attached, to give clarity to the enforcement of towing limits.

Vehicle registration: The second issue for recreational towing is the registration requirements for vehicles. Currently, only owners of house trailers are partially exempt from the commercial vehicle operator's registration, CVOR, requirements. That is to say that any vehicle with a registered gross weight over 4,500 kilograms is normally required to operate under a CVOR licence, including logbooks, daily inspection, weekly operating hours and going on scales on the side of the highways, and must avoid non-truck routes and parkways. The exemption for vehicles with a registered gross weight over 4,500 kilograms while towing a house travel trailer means that they follow the normal driving requirements of ordinary people, not commercial requirements. This is an intelligent rule that distinguishes the natural person from the commercial operator.

The silly thing is that once disconnected from the exempted towed vehicle, the pickup truck remains



registered at over 4,500 kilograms and therefore becomes subject to all the CVOR regulations. So if I take a holiday with my travel trailer, once I disconnect, I'm now a big trucker; but connected, I'm just a normal person.

The current regulation of these limits puts drivers between a rock and a hard place. If the driver registers his/her vehicle as under 4,500 kilos, they may face a fine of only \$130. If their vehicle weight exceeds 4,500 kilograms when towing a house travel trailer, if they properly register their vehicle for over 4,500 kilograms, they can face commercial fines totalling over \$1,400, including failure to maintain, failure to do daily record inspections, failure to do every kind of thing that has to do with commercial operation. Ironically, these fines are levied if the pickup truck is not towing a trailer. In effect, they are damned if they do and damned if they don't. Their only legal option is to obtain a CVOR and training for themselves and their whole family. So imagine that all of a sudden you're telling your wife that she has to become a commercial trucker. Even this option subjects them to commercial operator requirements in every jurisdiction they travel through—but only in Ontario; protected in Quebec and in the States.

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I propose an amendment to the regulations to the effect that "a natural person (no corporation or limited company) who uses a heavy vehicle with a maximum of actual or registered gross weight of 11,000 kilograms for personal purpose, meaning other than commercial or professional, is exempt from CVOR"—so a normal class G licence, with a trailer with less than a 4,600-kilogram weight on the axles.

Towed vehicle safety inspection: A third issue which ought to be considered in the course of these amendments is improving the safety of towed vehicles. Currently, house travel trailers are exempt from annual safety inspections. There is no compelling reason for this exemption. I propose that house travel trailers should be required to bear an annual inspection sticker just like all other trailers.

Summary: The whole recreational trailer industry has been operating on the premise that the weight of a towed vehicle is the towed weight. Thousands of house travel trailers have been sold, and are being sold today, to licensed class G non-commercial drivers who are bound to crowd the courts and ultimately lose the use of their investment if these regulations are not clarified. Your constituents, whether recreational users or part of the sales and service force, have an interest in your responsible action on these points. MTO has never enforced these. So if they or the police ever do, then we'll have a problem.

The requirements of CVOR are onerous on private individuals who are towing trailers for recreational purposes. In addition, the uncertainty about how a towed vehicle will be weighed needs to be clarified, lest many ordinary people be made into lawbreakers. Finally, a house travel trailer needs to be subject to the same safety inspections as other trailers to ensure that these rec-

reational trailers are safe for everyone on the highway. These proposals, taken together, increase safety and reduce unnecessary paperwork. Please make these changes so that ordinary people can go out and have some fun.

**The Chair:** Thank you, Mr. Laviolette. You've left 24 seconds to have fun in. So thank you very much for your presentation. We appreciate your being here.

ANDY RÉTI

**The Chair:** Our next deputation is Andy Réti. Am I saying that right?

**Mr. Andy Réti:** Yes, you did.

**The Chair:** Good; I'm glad. Welcome. Thank you for your patience. We appreciate your being here. You have 10 minutes to speak. Is this your handout here that we have?

**Mr. Réti:** That is my handout, indeed. My name is Andy Réti, member of Toronto's beleaguered taxi industry since 1966. Over the years I have performed a variety of functions within the taxi industry and am most proud of two in particular. One is as writer-commentator on industry issues, and instructor at Centennial College's ambassador program. And I can vouch for Mr. Trubulsey's statement that he was an excellent student, because he was one of mine.

Since this bill has already received second reading, it is with mixed emotions that I am making yet one more submission to a body that has power over my chosen profession and me. Being an optimist, I'd like to think that my colleagues and I will influence you and that we will make a difference in your deliberations.

At this stage there is a bit of an advantage, because I had the opportunity to listen to the deputations and some of the excellent questions that were posed on both sides. However, I'm going to act as a mythbuster, because there has been a lot of obfuscation and confusion.

Before I go on, I would like to reiterate, like my colleagues, that we have no problem with Bill 169, save and except section 39, subsections (1) to (11), which happen to be the flip side of the coin of the so-called exemption. Having been a writer, I have, with the participation of two friends, written a three-part series that appeared in *Taxi News*, and I have a three-part précis of it included in my submission. I sincerely hope that you will have an opportunity to peruse it, because it does clear up some of the misunderstandings, shall we say.

In addition, I would like to tell you that as a member of the committee representing Toronto's 12,000-strong industry, I visited representatives of each party, some of whom are in this room. Let me tell you that, without fail, we received a sympathetic hearing regarding our concern about this pending legislation from every corner; even the Attorney General agreed that changes are needed. Let me also tell you that we received a most cordial, professional and fair hearing from the minister himself. As a result, there is a letter from him attached as part of my deputation, which I will come to in one second. Yet, in



spite of all these sympathetic listening audiences, here we are today with not one single iota of change.

You had people from both sides of the committee telling you, Madam Chair, that this bill was introduced as a private member's bill in 2003. It was defeated; it was defeated then for a good reason and it should be defeated today for exactly the same reason.

I am going to draw your attention to the letter. If you will turn to the back of the package I have given you, there is the letter from the minister, the sponsor of this bill. I read: "It is important to clarify that these amendments are not intended to change the municipal licensing process currently in place." Actually, that's exactly what it does, especially when it comes to Toronto's problem.

Prior to your having the city of Toronto speak, which I did not know about, I made a note that the minister's speech included support from Niagara and Ottawa; noticeably absent was Toronto. I'm delighted to see that Toronto came on record as opposing it.

What is this going to do? This is going to function as a deterrent that nobody had ever imagined. Currently in Ontario you can have a charge against you for driving without a valid driver's licence, and the punishment is \$5,000. This new bill proposes up to \$20,000. This is way out of proportion. There is in law what they call "proportionality"; this is way out of proportion.

You asked some excellent questions of the previous deputants. Why is this necessary? Indeed, the Toronto airport authority and their predecessor, the federal government, have been in charge of the airport since the mid-1970s. Why is it that in all these 28 years or so they couldn't solve the problem? Why is it, indeed, that you need to have legislation that circumvents the current system, where there's a ray of hope that you will remove this hated exemption?

I said I'm going to act as a mythbuster. Myth number one: Scoopers at the airport have no licences. That's not actually true. Some of them do. But what you probably don't know is that out of the approximately 600 licensees at the airport, approximately 70 are from Toronto. They, believe it or not, cannot pick up in Mississauga, yet the Mississauga airport carriers can freely pick up in Toronto. That's myth number one.

Myth number two: safety. The minister made an excellent presentation about safety, and we totally, wholeheartedly agree with him on safety. Over the years I have made many deputations regarding safety. Now, I am speaking on behalf of the Toronto issue. The safety issue in Toronto is not a concern, but here is the big myth: The GTAA does not have its own safety inspectors. The GTAA is demanding to be dual-licensed, meaning that if you have a GTAA permit—and it's questionable whether it's a licence or a permit, but that's semantics and I will not get into it—they insist on having two licences tied up. So they rely on the municipality to do that safety check, and at the same time, they say, "We are all for safety."

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I challenge the GTAA, this committee or anybody else to examine Toronto's safety standards. I also challenge

anybody to tell me that the airport drivers receive proper training. Having been an instructor at the ambassador school, I can tell you there is none in North America, and perhaps in the world, that compares to what Toronto does to their drivers.

One of your previous deputants, Mr. Dhillon, said that there is a criminal check, indeed, by the airport, and there are a few other checks. But there is no safety, there is no instruction. They are washing their hands and they're saying, "The municipality should look after it." At the same time, myth number 3, make no mistake about it: The airport is a golden money-making goose for no one else but the GTAA. I repeat, it's a golden goose for them and them only.

We also have to ask, with all these fines, if the act is going to be enacted, who is going to receive the money? There's no talk about that. I can tell you that currently any kind of fine that is levied by the city of Toronto does not go to the city of Toronto. I am wondering, where is this money going to go with a \$20,000 fine?

In addition, and perhaps a final question, as repeated by my colleagues before, why is the minister sponsoring a provincial bill affecting municipal licensing jurisdiction when, in his own words, that is not what he intends to do? What exactly does he intend to do? Thank you.

**The Chair:** Thank you. You've left just over 30 seconds for each party.

**Mr. Réti:** I really tried.

**The Chair:** That's OK. It's a hard issue to summarize.

**Mr. Marchese:** Thank you, Mr. Réti, for your work. My sense, from the way the government members are asking questions, is they have no interest in dealing with Toronto taxis and dealing with that unfairness that is going on. Is that your impression?

**Mr. Réti:** You're 150% correct.

**Mr. Lalonde:** Thank you again for taking the time. To your knowledge, who is doing the safety check on the cars for any taxi drivers who have a GTAA licence to pick up at the airport?

**Mr. Réti:** We're talking about two different issues: the safety check on the driver or the safety check on the vehicle?

**Mr. Lalonde:** On both.

**Mr. Réti:** To my knowledge, and I'm not an expert in what is going on at the airport with the limousines, Mississauga is convenience licensing all limousines. What their safety standard is I am not overly sure of. I believe they have to produce a safety certificate. I can tell you that the 70 Toronto taxis are out there and that's it, because no limousine is allowed by Toronto, only by Mississauga. So you have approximately 300 Mississauga dual-plated licences, which are GTAA and Mississauga, and then, out of the approximately 300 taxis, 70 are from Toronto, 15 or 20 are from jurisdictions—it used to be as far as Fenelon Falls just outside Ottawa, Aurora etc. These are, once again, safety checked by their own municipalities.



**Mr. Lalonde:** That's right. They're entitled to get a licence for the GTAA to pick up at the airport; they require the safety check.

**Mr. Réti:** I'm not sure if they continue to. I really don't know. Perhaps you can ask one of the future deputants who is from Mississauga. I can tell you that Toronto has the most stringent safety standards, both in driver education and safety of vehicles. None even comes close to it.

**The Chair:** Thank you. Mr. Klees.

**Mr. Klees:** Thank you for your presentation. Can you give me your thoughts in terms of why this legislation is being presented the way it is now, particularly in light of the good meeting that you had with the Minister of Transportation?

**Mr. Réti:** In all fairness to the Minister of Transportation, as previous deputants have confirmed—Howard Moscoe in the best possible terms—when you represent a constituency, you have obligations to that constituency. The minister is doing a very good job in representing the interests of his constituency, but unfortunately the same—identical—bill, presented by his predecessor, was defeated.

**Mr. Klees:** Thank you very much. I'm sure the minister will use your remarks, at least partially, in his next election brochure.

**The Chair:** Thank you, Mr. Klees. Thank you, sir, very much for coming. We appreciate your being here.

#### BOB LEWIS

**The Chair:** Our next deputant is Mr. Bob Lewis. Welcome. Thank you for being here today. You have 10 minutes to speak. Before you begin to speak, just say your name for the purposes of Hansard. When you begin, you'll have 10 minutes. Should you leave any time, we'll be able to ask you questions or make comments about your deputation.

**Mr. Bob Lewis:** Thank you very much. I'm Bob Lewis from North Bay. I've had a driving instructor's licence since 1973. I'm presently a member of the Road Safety Educators' Association, the Canadian Association of Road Safety Professionals and the Ontario Safety League. You have my presentation there, and I'm just going to skip over some parts of it.

I'd like to do a little history review. It was mentioned earlier that 1978 was a pivotal year in driver education. One of the things that happened was that the government of the day had commissioned a white paper on driver education at that point. Also, the Driving School Association of Ontario, Young Drivers and the Canadian Professional Driver Education Association were trying to make efforts to co-operate with the government to regulate the driving school industry.

At the time, these organizations were looking at mandatory courses for instructors, mandatory examination of an instructor's ability to teach, development of minimum course standards and advanced curricula, amongst other things. In a few words, the attempt was

made to make members of the driving industry professional.

Keith Wallace, who was one of the best-qualified driving educators in Ontario at that time, indicated in 1978 that the driver training industry had gone backward in the last 18 years. So it was 18 years behind in 1978. Also at that time, the Ontario Safety League was severely criticized for the standards that it set for approving driving schools.

So where are we now? One of the organizations named above refused to co-operate with the plans to regulate, and it now no longer exists. The DSAO, which was the only provincial organization that has tried to introduce standards of behaviour for driving schools and encourage professional development for all instructors, has been emasculated since 1998, when the Minister of Transportation and the government of the day unilaterally changed the rules and procedures. The OSL, for no reason that was apparent at the time, was given the functions of certificate distribution and audit, previously carried out by DSAO.

Regulation of the driving school industry did not happen. The examination of instructors' ability to teach did not occur. Minimum course standards are the same ones now as 30 years ago. Research-based advanced curricula have not been utilized by the province in things like the book *Decisions and Choices*, a research-based article.

The big thing that has bothered me is that instructors have never been required to update or upgrade their skills or knowledge of driving in order to maintain their licence. Members of the industry are still not professional. The OSL is still being criticized for its programs and lack of standards. If Keith Wallace's comments on the state of driver education in this province were true in 1978, we are now 45 years backward.

So why do I have concerns with this attempt by the government and MTO to deal with the driving school industry? In simple terms, why this bill? Why now? Why no consultation? I find it appalling that this legislation is buried within a bill dealing with a number of transportation matters. My concern is that this legislation is trying to sneak through changes to the driving school industry, with no notice to or consultation with members of the industry, and is buried within an omnibus piece of legislation. This bill, or this part of it, would be important enough to the industry and the public that it should have been a stand-alone item.

#### 1650

What problem is this section of the bill trying to address? Is it the fraud issue, which apparently has been around prior to 1998 and was obviously not resolved by the MTO approach since that time? Or is it in response to the fraud that was identified by a TV station last September? Is this not really a consumer affairs concern? Driving school audits are continuing under whatever rules were previously in place when the OSL was relieved of duty. One of my questions is, why were the audits under the OSL from 1998 to last fall still not



happening to all the driving schools in the province, and are they going to be now?

If this is an issue of instructor training and curriculum, is it not an issue for the Ministry of Training, Colleges and Universities? Driver education was once the responsibility of both the MTO and the Department of Education; maybe it should be again. The minister has sent a letter to all driving schools telling them that they should not be concerned by this bill, that nothing substantial will change. If that's the case, why the bill? If it is not going to do anything, why have it? It certainly, as it stands, does nothing for road safety.

As a former member of OSSTF, I recognize the need for front-line workers to have representation and involvement in the decisions that affect them. While driving instructors in this province have not yet become organized, there must be involvement of the practitioners and the schools in the process of defining the rules that affect them. My concern, again, with this bill is: no consultation.

There are presently minimal fees required to hold a driving instructor's licence. One of my concerns with this bill is the number of times that "fees" is referred to in the document. There are obviously other fees in the offing, not only for instructors but for the schools as well. Where is industry input into the process of fee-setting?

I am concerned about the frequent references to exemptions from provisions. It is unclear what circumstances should provide an exemption for either an instructor or a driving school. In 1998, one of the concerns I heard raised about the DSAO was fairness. Is this document to allow political interference or fairness?

This bill provides regulations for "ministry-approved courses and course providers." What it does not do is protect the public from non-ministry-approved instructors or schools. I think there's a serious error here.

This bill plans to make regulations for the qualifications and requirements for the issue of school licences, prescribe qualifications and requirements for holders of driving school licences and instructor licences and prescribe standards for driving instruction, but it does nothing to improve the qualifications of a driving instructor after his or her initial training. This is a major opportunity to raise the quality of driving instruction in this province.

It also does nothing to encourage the formation of professional associations for instructors.

Who in the industry will have input into these regulations? Nothing in this bill indicates any input. There are many people within the road safety community who could or should comprise an advisory committee to the MTO in this area, including members of the DSAO, the Road Safety Educators' Association and many others. Their expertise could go a long way to providing regulations that would reflect an increase in standards for driver educators and consumer protection as well. It needs more input than just the MTO and the Ontario Safety League.

When I see the phrase "without a warrant" attached to the powers of the inspectors, I feel a great deal of concern. I am fearful of any government department taking this road and having the power to enter and remove materials without warrant. Even the police do not have that right.

Finally, I would like to put forward some suggestions. It may be time in Ontario to convene a driver training task force again in order to set up minimum standards for driving instructors; to design an ongoing instructor upgrading and recertification program; to examine and consider changes to the present driver instructor curricula; and finally, to examine and consider changes to the present driver training curriculum. Maybe the 1978 white paper on driver education should be resurrected and its recommendations re-examined.

Do driving schools really belong in this bill? Would the ministry and the public be better served by delegating authority for schools and instructors back to organizations like the DSAO, which already has the infrastructure in place, after designing policies and practices required to increase accountability within the industry?

Driver education in this province deserves better than what is in this bill. Please consider sending this part of the bill back to the drawing board, and involve those in the industry who can help develop a bill that will protect the consumer and lead to standards and expectations for the industry. Thank you.

**The Chair:** Thank you for being here and thank you for your deputation. We appreciate that.

#### IKRAM FREED

**The Chair:** Our next deputant is Mr. Freed. Welcome, Mr. Freed. You have 10 minutes to speak to us. If you leave time, we'll be able to ask questions or comments. Before you begin, if you could say your name for Hansard, and then you have 10 minutes.

**Mr. Ikram Freed:** Thank you very much. My name is Ikram Freed. I was so glad when I came in and saw the minister sitting here, but now I'm heartbroken he's not here to face the truth.

Madam Chair and committee members, I want to draw your attention to item 4 in schedule A of the Transportation Statute Law Amendment Act, 2005, which reads as follows:

"Part IV of the act is amended by adding the following section:

"Picking up passenger for compensation prohibited without licence, etc."

Apparently, this piece of legislation will stop the scooping from Pearson International Airport, which has been a dream of every MPP elected from Mississauga and Brampton in the last 10 years. And why not? Those are the taxi drivers who can afford to contribute to their campaigns, and because this is the promise they have been making to these airport taxi drivers.

They have all failed in the past because the taxi drivers from the city of Toronto and other municipalities



demanded a level playing field with their counterparts from the airport to address this issue. But this time it is different. The Minister of Transportation is from Mississauga, the chair of this committee is from Brampton and the vice is from Mississauga. So God help these drivers from the municipalities to get justice from this government. As a member of the public, I can only try to raise my voice so that the truth may make its way to the people in power, and some of them will probably change their mind, although it's all premeditated. You were right, and Mr. Klees, you were right too. It's all premeditated.

Getting rid of scooping is a good thing but this minister of Punjab for Mississauga and Brampton—oh, I'm sorry. No, I get stuck here because that's how this minister has been acting. But this minister is protecting the territory of the largest group of scoopers: the airport taxi drivers. He does not want anybody to enter their turf, but he's letting them loose to scoop from all over Ontario.

The root cause of the problem is with the Municipal Act, subsection 155(2), which exempts the airport licensed drivers from the municipal licence when they are transporting passengers to the airport only, and only to the airport. They use this shelter to transport the passengers from the municipalities to anywhere in the world—even Afghanistan—since law enforcement cannot check every passenger in these airport taxis and limousines for their destination. This has created a culture of bribery to the hotel doorman, which ultimately costs visitors in monetary terms.

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Now I would like to draw your attention to subsection 4(3) in schedule A that reads as follows:

“(3) No person shall arrange or offer to arrange for a passenger to be picked up in a motor vehicle other than a bus for the purpose of being transported for compensation except under the licence, permit or authorization that is required to do so, as described in subsection (1).”

I drive a wheelchair-accessible taxi licensed by the city of Toronto. Most of my clients cannot pay their fares when they have to travel out of town. Wheel-Trans or TransHelp does not provide this service with convenience, so these people end up getting help from charities, friends or relatives to pay for the fare both ways, over the phone or by charge coupons. Under subsection (3), it would be an offence to help these people in need. It also happens, in the case of the regular taxis, that a third party is paying for the trip both ways, or customers have their accounts set up with the taxi companies in their respective municipalities and they use these taxis for return trips from out of town.

I suggest that this committee do the right thing by looking into this problem province-wide and come up with a solution. My recommendation is to repeal Municipal Act subsection 155(2) and allow the municipalities to charge a fee for the temporary permit for each pre-arranged pickup by a taxi out of their respective jurisdictions but licensed by the other jurisdictions. This is exactly what the airport authorities have been doing to us for years. This is not impossible in the age of electronics

and computers if there is a will, and these municipalities would love to have extra revenue.

Questions?

**The Chair:** You have three minutes left, which leaves one minute for each party, beginning with the government side.

**Mr. Lalonde:** Really, I looked at it. Are you aware that this legislation is for the whole of the province, not the city of Toronto only?

**Mr. Freed:** This is just for the airport. Unless you remove section 155 from the Municipal Act, this will apply and will be enforceable only at the airport. We would not be able to enforce it in the city of Toronto.

**Mr. Lalonde:** In all airports in Ontario, not only Pearson airport.

**Mr. Freed:** That's the major airport.

**Mr. Lalonde:** Well, it's all the airports.

You mentioned, “He does not want anybody to enter their turf, but he's letting them loose to scoop from all over Ontario.” Would you believe that if you were to go in Oshawa, for example, the Oshawa taxi industry would accept that you are able to pick up there?

**Mr. Freed:** Yes, sir. It happens every day by the airport drivers. They go there and pick up. They go and pick up from Hamilton.

**Mr. Lalonde:** That would come under the Municipal Act.

**Mr. Freed:** They've been breaking the act all along, sir. They are supposed to take the fare from all these municipalities to the airport only, but with the help of these doormen—that's where the cookie comes in—they take fares anywhere in Ontario. Actually, they will do it anywhere in the world.

**The Chair:** Thank you.

**Mr. Freed:** And they do it every day, sir.

**The Chair:** Thank you, sir.

Mr. Klees, you have a minute.

**Mr. Klees:** Mr. Freed, thank you for your presentation. You're arguing for fairness and a level playing field, and I certainly support that. It seems to me that the parliamentary assistant is missing one very important part of your presentation, that in fact this legislation doesn't apply to the entire province because of the way the Municipal Act precludes the same rules being applied, and that's your point.

**Mr. Freed:** That's exactly what we're here for.

**Mr. Klees:** And that's our point. We're suggesting that in order to do the fair thing—we want to achieve this. We want to achieve this for the airport limousine and airport taxi drivers and owners. We want to achieve, however, the same thing for those who are disadvantaged on the other side of the equation. And, for the life of me, I do not understand why this minister would not do the right thing and accomplish both at the same time.

**Mr. Freed:** Because he wants to act only as minister for Mississauga and Brampton, for his constituents. If he wants to resolve the problem province-wide, this is what we are suggesting, and that's exactly what you want to see, a level playing field.



**The Chair:** Thank you, Mr. Freed.

**Mr. Klees:** If I could—

**The Chair:** No, time's up.

Mr. Marchese.

**Mr. Marchese:** Mr. Freed, I'm running out of energy; I can feel it. What I have observed is that Mr. Duguid is not here, for many reasons that I can probably respect, no problemo. But when he was here, it seems that Toronto taxis were getting a fair hearing. It appears to be like the good and bad kind of cop. Now the good cop is gone, and what we've got is the rest of the committee reluctant, in my view, to give you a hearing. So what we've got is political organizing of a different kind. We're not going to win this case here, I can tell already, on this issue, so you've got to get involved in a different kind of a political—

**Mr. Freed:** Sir, we know that we are not going to win at all, because it's premeditated, and they are in the government, right? Mr. Duguid is not here because he knows the problem. He's been a councillor in the city, and every driver knows him, and he knows what goes on in the streets of Toronto. The only hope is that we wait until the government is changed, and then we ask the next government to change the law. That's what's going to happen.

This is the political commitment this minister made before he got elected, and he is fulfilling it. He is not doing it for the province of Ontario. Under oath, I am going to say that he is not acting in the interest of the province of Ontario; he is just acting in the interest of his own constituents.

**The Chair:** Thank you, Mr. Freed. We appreciate your being here. Thank you for your delegation.

#### SAJID MUGHAL

**The Chair:** Our next delegation is Sajid Mughal. Have I said that—am I close?

**Mr. Sajid Mughal:** Absolutely.

**The Chair:** Is this your presentation? Thank you very much. You have 10 minutes. Should you leave time at the end, we'll be able to ask you questions.

**Mr. Mughal:** I'll finish in one minute or so, because most of the things I have to say have been said by the Toronto cab drivers and the cab industry, including Andy Réti, Ikram Freed and Kamil. I will be very brief, and I will have tons of time for the questions.

Good afternoon, honourable Chair and committee members. Thank you for giving me this opportunity to express my views on such a sensitive issue, which directly affects the livelihood of thousands and thousands of taxicab drivers in the city of Toronto.

Honourable Chair, I'm a former chair of the taxicab advisory committee, which was a body elected to address taxi issues. Having said that, I had the privilege to talk on this issue directly with the Honourable Minister Harinder Takhar, and also with his staff, along with Howard Moscoe, a city councillor who looks after taxi matters, and to express the concerns of cab drivers in the city of

Toronto with the illegal activities happening in the city by licensed as well as by unlicensed limousine drivers. We told him that the limousine industry is sucking from the cab industry in the city of Toronto, but unfortunately everything we said to the honourable minister has fallen on deaf ears.

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Mr. Chair and committee members, I'm neither tired nor disappointed to be raising this concern again and again until it is heard and resolved. I am very happy and optimistic that the matter is now in this committee's hands because it will not tilt to one side or the other, but will provide a level playing field for all the players.

In Bill 169, what Mr. Minister is trying to do is hide such an important issue which will affect the livelihood of thousands of drivers. Bill 169 will prohibit the unlicensed drivers from giving service to the public for compensation. That's what anybody in the right state of mind would want, but that would only protect the airport business, not the scooping happening in the city of Toronto because the scooping happening at the airport is not even 10% of what is happening in the city of Toronto. You can't even compare the scooping that's happening in the city of Toronto. You go to any corner, any corporate tower or any hotel, and you will see all these licensed and unlicensed drivers. Licensed drivers, because they're exempted from subsection 155(2), can take the fare back to the airport. That's a big drawback for the cab industry in the city of Toronto. We can only take fares to the airport; we cannot bring customers back. But they can bring customers from the airport to anywhere. According to the bill, they can only take customers back from the airport, but that's not what's been happening. First of all, it's not a level playing field. It should be fair game for all the players.

Also, there's another bill's subsection 155(2), which exempts airport taxis and limousines so they can take passengers back to the airport. And you don't call it a level playing field. That's what makes Toronto cab drivers frustrated and feeling neglected.

This is a historic moment for the cab industry. The whole industry is looking at this committee to provide a level playing field to all the players, and you can do so by eliminating the exemption for limousines and airport taxicabs from subsection 155(2). Thank you very much for your time.

**The Chair:** You've left two minutes for each party to ask questions, beginning with Mr. Marchese.

**Mr. Marchese:** Mr. Mughal, all I can say is that workers have a right to earn a decent living, and at the moment the conditions do not allow Toronto taxis to be able to also arrive at fair conditions that would bring about a fair living wage. I'm afraid that, contrary to what I thought, that the government was going to try to reach out to you guys as a way of trying to bring about a reasonable compromise, from what I'm hearing today, I don't see it. So I think you Toronto taxi drivers are being shafted. That's the only conclusion I can come up with.



**Mr. Mughal:** We have been shafted for the last 18 years or so and we hope one day that the politicians will listen. We're not asking them to give the city of Toronto cab drivers favours. No, we are asking them just to provide a level playing field. That's all we're asking. We are not asking for too much. Just provide a level playing field for all the players. We have as much right to bring customers from the airport as they have the right to take a customer from downtown to the airport or anywhere in Ontario. That's all we're asking. We are not asking too much.

**Mr. Rinaldi:** Thank you, Mr. Mughal, for your presentation. I must admit that we've heard your plea and your story a number of times, over and over again. What I'd like to remind you and other members of the committee and the presenters of is that earlier on Mr. Duguid, who is the parliamentary assistant to the Minister of Municipal Affairs and Housing, was pretty clear in saying that the Minister of Municipal Affairs is willing to work on subsection 155(2), which is not related to this, even though they might tie together. If you were here earlier when Councillor Moscoe was here, he suggested that even though he's not happy with the bill, he's quite happy with the way negotiations are going with the new city of Toronto bill and the Municipal Act. So there are discussions going on.

**Mr. Marchese:** I think he said to refer to section—

**Mr. Rinaldi:** I think I have the floor now, thanks.

**Mr. Marchese:** Just trying to help you out.

**The Chair:** Thank you, Mr. Marchese. Mr. Rinaldi, you do have the floor.

**Mr. Rinaldi:** So I guess the question is, this discussion has been going on for a long time and we're trying to clarify or adjust one section, the safety part, from the illegal scoopers. That's how the bill really pertains to your issue. I'm surprised that previous governments didn't tackle it either, if it's that bad. So I guess all I can say is, we've made the commitment and we're going to look at it. This is the issue to deal with—illegal scooping—whether it's in Toronto, Ottawa or at the airport.

**Mr. Mughal:** I appreciate your effort but, as it has been said in the previous deputation, to monitor the airport is very easy; it's a very limited boundary. But you cannot monitor the whole city of Toronto to catch unlicensed activities happening. So if you want to solve this problem, the only way is to eliminate subsection 155(2). Then you can really achieve what you want to achieve. You will provide a level playing field for all members and, as well, you will eliminate all unlicensed activities happening either here in the city of Toronto or Mississauga or at the airport. But you cannot solve the problem if you solve one portion and leave the other one alone. It will create chaos instead of resolving the problem.

**Mr. Klees:** Mr. Mughal, thank you for your presentation. There's something very interesting going on here in this committee. I am sure you're noticing it. The purpose of a standing committee is for stakeholders to be

able to come forward, present their views on the proposed legislation and make recommendations as to how to improve the legislation. The role of committee members should be to listen to people, weigh in the balance what they are saying and then make a recommendation to the government as to how the legislation may be improved.

Every member of this committee has heard that they agree with the intent of this legislation, but they have also heard—and I can't imagine that any member would deny it—about the principle of fairness and a level playing field. So what this committee should do is make a recommendation to amend this legislation to accommodate that level playing field so that the airport industry is protected and the city taxis are protected as well.

I want you to know that we will be making that kind of amendment proposal. We would hope that members of this committee on the government side as well would support us. That's how this committee should work. But what I've been hearing throughout the presentations today is not the government members listening to you, but pushing back to you and justifying why this legislation in its present format can't be changed. That is not how this should work.

So I thank you for your recommendation. It is logical, it is reasonable. I think we can achieve a win-win for the entire industry. That should be the objective of the minister. I believe in his integrity. I'm sure that this minister, after listening to the submissions that were made at this committee, will in fact recognize that there's a better way to do this so that he can satisfy his constituents—and to his credit, he's doing that—but also take into consideration the concerns that you've expressed.

**The Chair:** Thank you, Mr.—

**Mr. Mughal:** Madam Chair, can I have one minute—just 60 seconds?

**The Chair:** No. You do not have enough time. Mr. Klees exhausted your time. So thank you very much for being here.

**Mr. Klees:** Can we have unanimous consent to give the man—

**Mr. Mughal:** Just 60 seconds.

**The Chair:** If it's a yes or a no, that's fine, but we have delegations that have been waiting all day. We're going to be here until 6 o'clock.

**Mr. Mughal:** All I want to say is if you adopt this Bill 169 as it is, it will cause more chaos and more anxiety in the—

**The Chair:** I think we have your deputation and that's sufficient. Thank you very much for your time. We appreciate your being here.

Mr. Khan would be our next speaker. Is Mr. Khan here? No.

*Interruption.*

**The Chair:** Can I have some order, please? I'm going to ask one last time: Is Mr. Khan here? OK. I'm going to move on to the next, Mr. Hillel Gudes.



1720

## HILLEL GUDES

**The Chair:** Welcome. Thank you for being here. You will have 10 minutes once you get yourself settled. I believe we have your submission here.

**Mr. Hillel Gudes:** Yes, you do. Before we start, Madam Chair, I want to apologize for this outburst. This is the second time I've done it. The first time was in response to an outright lie from a high official from the GTAA.

**The Chair:** I accept your apology. You have 10 minutes.

**Mr. Gudes:** My name is Hillel Gudes. I've been a member of the Toronto taxi industry since 1980 in the capacity of for-hire driver, taxi plate owner, limousine driver and member of the board of directors of Co-op Cabs, assistant general manager of Co-op Cabs and president of Co-op Cabs.

First of all, I want to make it clear from the outset that we are not against Bill 169 as a whole. It's part IV that we are against and everything I'm going to say this afternoon applies to part IV only. First of all, you have to understand—and it seems to me that the people on this side understood it and that the people on this side refuse to understand it. Bill 169 and section 155 of the Municipal Act are inextricably tied up together. You cannot separate the two, and that's what you're trying to do, or have been trying to do all day long.

I want to clarify at least two things. I listened to the people from the airport and they are of the opinion that this bill is targeted at unlicensed people. This is not the case. This is simply not the case. This proposed bill includes licensed vehicles also, but vehicles that are not licensed at the airport. In other words, what they're trying to say is that if you're licensed in Toronto and pick up at the airport, you're a scooper. It doesn't matter that you are licensed, that you went through all the rigorous tests and education and safety in Toronto; if you're not licensed at the airport, you're a scooper. This bill says, "If you don't pay the \$10 pre-arrangement fee at the airport, you are a scooper. We don't care if you are licensed. If you don't pay the \$10, you're a scooper." So let's make that clear. This is not targeted only at the unlicensed. We are all against the unlicensed. We want to get rid of them all. There are not that many of them.

Excuse me, with all respect, when you ask the other person a question, you're only asking about the airport. You don't worry about what's going on in Toronto. The question was started with, "What's going to happen at the airport?" as if you don't care what's in Toronto. Let me tell you something that you're all missing on this side of the House. You are representing the whole province of Ontario. You're not representing only your ridings, just in case you missed that.

The most important thing of the whole thing is that you have to understand and accept that the majority of the scooping in Toronto is being done by airport-licensed

vehicles. You have to understand and accept that because this is a fact. What is scooping? Scooping is the practice of taxis and limousines picking up fares in jurisdictions where they are not licensed to. It's that simple. Taking it a step further, you've got cars licensed by the airport picking up in Toronto. They are not licensed in Toronto. By definition, that makes them scoopers. You can ask, if they are scoopers, why doesn't the city of Toronto prosecute them? It's very simple. Because a law that was enacted back in 1978, what we call the exemption, which was enacted by the provincial government at the time—we don't know why they did it. They did it clandestinely, with no reasons. It allows any licensed airport vehicle to pick up anywhere in the province of Ontario if the fare is going back to the airport.

Where is the level playing field here? A Toronto taxi that drops a fare at the airport has to head back empty to the city. An airport vehicle picks up the fare at the airport, which he's entitled to pick up; he pays licence fees there. He drops the fare in downtown Toronto. Does he have to go back empty to the airport like a Toronto taxi? No. He's allowed to pick up in Toronto by way of section 155 of the Municipal Act, the so-called exemption. I'm sitting here listening to the airport guy saying, "No. We only allow pick-ups when they're pre-arranged." That's BS. Forgive me for the language.

Ask: You have a legal department and access to legal advice. You don't have to listen to me. You don't have to listen to them. They're allowed to pick up in Toronto spontaneously, not on a pre-arranged basis. You don't have to work very hard: Just go to York and Wellington and look at the south side of York, how they line up. If people go into their cars and they're going to the airport, they take them. Why? Because the provincial government allows them to do that. By the way, if somebody gets into the car and says, "I want to go to Brampton or Burlington," you think they're going to refuse and say, "No. It's illegal for me to take to Burlington or Brampton"? They'll take them, because it gets them back to the airport, or closer to the airport.

Mr. Lalonde, with all due respect, I've listened to you all day long. Your lack of impartiality should be inscribed in the record of this House as an example of being biased. Your whole line of questioning is just—I'm trying to be respectful, and I'm saying this with all due respect. This is all predetermined already. You guys are just doing this for the sake of show, for the sake of the procedures of the House. You know you're wrong. You're talking about safety. You have no right, neither one of your governments, to come to the city of Toronto and preach to us about safety. We have the most stringent safety regulations in North America, never mind in Canada. You don't preach to us anything about safety, Mr. Lalonde. I'm sorry.

**The Chair:** Sir, could I ask you just to bring your voice down a little bit? It's already miked, so you don't need—OK?

**Mr. Gudes:** I'm sorry. I just get carried away.

**The Chair:** I know. I just wanted to make sure. It was already miked.



**Mr. Gudes:** Just add those 10 seconds to my time.

**The Chair:** Don't worry, you'll have your time.

**Mr. Gudes:** You're claiming that this is province-wide legislation. Can you show us one report, any research that says there's a scooping problem in Fenelon Falls or Elora or all those places? The scooping problem is contained to Toronto and the airport and maybe Mississauga. That's all there is. Don't talk to us about province-wide. This is a smoke-screen. But you know something, Mr. Lalonde? You can only throw smoke in the eyes of people some of the time, not all of the time. This legislation will pass. You will pay for it, at least in Toronto, in the next election. I can guarantee you that.

*Interruption.*

**The Chair:** I don't need any outbursts from the audience, thank you very much.

**Mr. Gudes:** I'm just going to go quickly to the merits of the case. This legislation is not enforceable in Toronto. Metro police do not have time to be at every corner of this large city as a potential "scooper" corner. It's just unenforceable. The minister knows that and Mr. Lalonde knows that. It's only enforceable in the airport because it's a small, contained area with three or four delineated pick-up points.

Again, it does not belong in the Highway Traffic Act. We heard that before during the day. It's a licensing issue. Licensing issues are traditionally addressed in the Municipal Act. Why just go to another act? It's just ridiculous.

The fines: Has anybody here heard the term "penal proportionality"? If you get caught driving without insurance, the fine is \$5,000. If you get caught scooping in the airport, you're going to get a fine of \$20,000. Where is the proportionality here?

The GTAA is getting millions and millions of dollars from licensing, users' fees, concessions, you name it. Yet they expect a taxpayers police force, namely the Peel police, to enforce that law. That's ridiculous. They've got enough money. Let them hire more inspectors, more commissioners. Mr. Klees raised that point. Let them enforce it. They've got enough money. Why do the taxpayers need to carry this? It's just beyond belief.

The issue of fairness: We've talked about it all day long. You've got to make a level playing field.

I want to leave time for questions, if there are any, so I'll just make a comment.

The honourable thing for you to do, Mr. Lalonde, and for you people, is what Mr. Klees suggested: Hold the proclamation of part IV and let's deal with it within the Municipal Act or in the new Toronto act or whatever. This is the fair thing to do to achieve a win-win situation, for the taxi people and for the taxi industry in Toronto and for the taxi industry in any other city of this province. Thank you very much.

1730

**The Chair:** You had 16 seconds, and I was going to add your 10, but that's still not enough for anybody to ask any questions.

**Mr. Gudes:** When the airport guys said to you, Mr. Singh, you gave him—I measured you. It was half an hour, including the questioning. I think if you add three minutes here—

**The Chair:** Sir, if you want to argue with me—I have a clock.

**Mr. Gudes:** I'm not going to argue with you.

**The Chair:** I'm not going to argue with you. I'm telling you your time is up and there isn't enough time for everyone to ask questions.

Can I just confirm that these two documents are both yours? They're both your submission?

**Mr. Gudes:** Yes, they are. Just one comment about the big submission. Anybody who needs to make a decision about this issue should read this 17-page document. It's research that was done that addresses the issues both at the airport and in Toronto, starting way back in 1974. It's a must-read for all of you people. Thank you.

**The Chair:** Thank you very much, sir. We appreciate your being here today.

OWEN LEACH

**The Chair:** Our next individual delegate is Owen Leach. Mr. Leach, do you have a handout or anything for us today?

**Mr. Owen Leach:** No, I'll get it for you later.

**The Chair:** Will you be submitting something? Your comments?

**Mr. Leach:** Not now. I'll be reading mine, and I'll print it off for you.

**The Chair:** Terrific. Welcome. Thank you for being here. You'll have 10 minutes to speak. Should you use all that time, there won't be an opportunity for questions. When you begin, I'll start the timer.

**Mr. Leach:** I too am confining myself to the scooping bylaw because I'm an ambassador taxi driver in the city of Toronto, and that is the piece of this legislation that most affects me at this time, although there's a lot more to it that needs to be commented on.

I want you to know that hundreds of taxi drivers demonstrated against the anti-scooping measure included in Bill 169. At least 10,000 licensed taxi drivers, as one voice, opposed the said measure because it entrenches an unfair and inequitable relationship between the city of Toronto taxi drivers and the airport limousine drivers, who unfairly benefit from what we call the exemption in the Municipal Act, subsection 155(2), allowing limousines to pick up pre-arranged passengers in Toronto, while obstacles are devised to deter taxis from the city of Toronto from doing our work at the airport.

Toronto taxis operate in our workspace, the city of Toronto, which is vast and open, compared to the airport, which is dense and highly policed by the RCMP and other inspectors. Scooping at the airport is rare, whereas the city of Toronto is wide open to abuse and corruption by airport limousine drivers. They are not supposed to solicit fares in our city, just as we are not supposed to solicit at the airport, yet it is well known that airport



limousines brazenly solicit in Toronto and have even taken things to the level of paying off doormen at the hotels in the city in exchange for runs back to the airport. Toronto taxi drivers are now being demanded to pay bribes to doormen in order to get airport runs from our own city, or else the fare will be given to limousine drivers. That's the state of affairs we are at. I've experienced that.

The Harbour Castle hotel management has gone further and removed Toronto taxis from the lineup at their hotel space and have supplanted us with limousines. So we are off their private property. They say they can do whatever they like on their private property. They have brought the limousines right inside and we are supposed to park on the public highway.

The discrimination is serious, because Toronto taxis cannot legally park our cabs at the airport, even to transport our families. I have had my cab nearly towed—I paid \$35 to have it put back on the ground—because I put money in the meter and went to take my family into the terminal, and when I came back, my taxi was on a hoist. Neither can we pick up unless we pay \$8.50 or whatever to go into the airport. Laws are already on the books penalizing us to control scooping at the airport. Why impose more severe ones? This state of affairs is financially detrimental to Toronto taxi drivers and is difficult to control and eradicate, as the new technology of computers and cellphones makes it well-nigh impossible to effectively police the limousines, even though what they're doing is illegal; it's unenforceable almost. So long as they're allowed in the city, the technology allows them to arrange calls with the doormen and other businesses and also scoop on the street.

This measure is also, in my opinion, anachronistic, coming at a time when the provincial government is moving to integrate the transport systems of the GTA. Bill 169 divides rather than unifies or rationalizes the system. It also sows seeds of greater discontent between city drivers and airport limousine drivers. It will ratchet up tensions to greater intensity, and I warn you, someday it will explode. Tensions are high now.

What makes things worse are the circumstances in the way this measure has been introduced. The perception and the appearance of this is a worst-case scenario of ethnic favouritism and voter hucksterism. Consider that Minister Takhar, supposedly a South Asian, with a significant number of South Asians in his riding, is entertaining a blatantly partial measure for a predominantly South Asian airport limousine association that has reportedly contributed \$200,000 to the minister's election campaign. This needs to be probed and the facts revealed so it can be removed from the realm of allegation to that of fact and actuality, as was the case in regard to his business dealings at his supposedly arm's-length business office.

I would like to propose that the minister should expunge the anti-scooping measure from Bill 169. He should also repeal the Municipal Act's section 155(2), which will enable us to operate on a level playing field.

Secondly, he should launch on a path of a complete review of the Municipal Act in relation to the taxi business and modern conditions of the taxi industry, with a view to integrating it with the transportation system of the greater Toronto area. Thank you.

**The Chair:** You've left a minute for each party, beginning with Ms. Matthews.

**Ms. Matthews:** I just want to take this opportunity to clarify a little misconception that's wound its way through many of the submissions today, and that deals with the fundraising event. I just want to clarify that the event in question is something called the Peel Trillium dinner. It is a dinner that is attended by many business people and others in the Peel region. It is not an event that was specific in any way to this industry. Last night we had one in London. They're done regionally. I think it was just time to clarify it. It had been mentioned too many times.

**Mr. Leach:** I did not mention an event. I mentioned a contribution of \$200,000.

**Ms. Matthews:** That's the contribution that—

**The Chair:** We're not going to have a debate about this. Actually, your time is up now. Thank you very much, sir.

1740

**Mr. Leach:** She asked a question which I have not properly replied to.

**The Chair:** I think what she was doing was clarifying.

**Mr. Leach:** She clarified something by misrepresenting what I said.

**The Chair:** Sir, it didn't require a response. I appreciate it. I think she was clarifying it.

**Mr. Leach:** I did not say that there was an event.

**The Chair:** I think she was clarifying it. Sir, you're using all your time. If you want to talk to any other members of other parties, you're going to have to stop talking.

Mr. Klees, you have a minute.

**Mr. Klees:** Mr. Leach, thank you for your presentation. I think what you're really talking about here is the right to work. Live and let live, really, is what you're talking about. I support your submission totally. I would think that any reasonable person listening to these submissions and becoming familiar with the facts would understand that it's only reasonable that if you, as a taxi driver licensed in the city of Toronto, take someone to the airport, you should not be forced to leave the airport with an empty cab, in the same way that a limo driver, as a result of the exemption—back in 1978, someone saw that it made logical sense that if you bring someone from the airport to the city, you let them do business so they don't go bankrupt, and take a body in that same limo back to the airport. It's just good, common sense. The problem is—

**The Chair:** Mr. Klees, are you getting to a question?

**Mr. Klees:** I am just about to.

**The Chair:** You have 30 seconds, tops.

**Mr. Klees:** The problem is that that principle has not been extended equally. That's what you're arguing for



and that's what we're asking this government to make an amendment to. I'm asking you this question: Isn't that really all you're asking for?

**Mr. Leach:** Exactly. I think—

**The Chair:** Thank you. That's all the time you have.

**Mr. Leach:** This is adding another unfair condition—

**The Chair:** A yes or a no will do, sir.

**Mr. Leach:** —on top of an unfair condition. Thank you.

**The Chair:** Sir, excuse me. You have exhausted your time.

Mr. Marchese, you have a minute.

**Mr. Marchese:** Mr. Leach, a quick question. You stated that some of the limousine drivers come to Toronto and they brazenly solicit in the city. We heard from a number of limousine folks who are here and they swear they don't do anything illegal, that everything is done through pre-arrangement and it's all the others doing the illegal stuff. What do you think?

**Mr. Leach:** I don't usually say this loosely, but I say that's also a brazen lie. It happens all the time. I used to go to the Harbour Castle and get at least two airport runs every day. No driver can get any airport runs from that hotel any more. We all line up. We go to the Eaton Centre, First Canadian Place and these places around the city. There is an attitude that the city of Toronto taxis are good for servicing business in the city of Toronto, not outside.

**Mr. Marchese:** Thank you, Mr. Leach.

**The Chair:** Thank you, Mr. Leach. We appreciate you being here today.

#### MAHMOUD HEYDARI

**The Chair:** Our next delegation is Mr. Heydari. Have I pronounced that right?

**Mr. Mahmoud Heydari:** That's right. My name is Mahmoud Heydari.

**The Chair:** Thank you. You will have 10 minutes. Should you leave time at the end, we'll be able to ask you questions or make comments.

**Mr. Heydari:** First of all, I don't think I have to look at this side, I have to look at this side because we are also Canadian. Think about that also. Sometimes I feel we are not Canadian. This is a big problem with the taxi industry. Think about a common way you want to help us. Thank you.

I am here to bring up my concerns regarding Bill 169 and the effect it can have on the metro Toronto taxicab business and its drivers' livelihood. We have approximately 5,000 taxicabs in Toronto and, as you may know, the drivers of metro Toronto taxicabs do not have rights for immediate flag pickups from Toronto Pearson International Airport; however, the airport taxi or limousines, which are licensed to pick up customers from the airport, constantly pick up customers from the city of Toronto, both on a street-flag basis and especially on a pre-arranged call basis.

We believe that if there is a penalty for pickups from the airport for Metro taxicabs, there should be the same penalty for flag pickups and especially pre-arranged pickups both for the airport taxicab drivers and the limousine companies which facilitate the business for the order.

These limousines constantly bribe the bellmen of the hotels in the city to rob airport rides from metro cabs. They go even further by cutting the rates lower than the metro cabs, since they constantly drop fares from the airport in Toronto instead of going back empty—they cut the rates—instructing the bellmen to inform hotel customers about lower rates than the taxicabs waiting in front of the hotels. So the bellmen get the money and the airport cabs or limousines rob the metro taxicab drivers' fares.

This act also creates a damaging image for the tourism industry, since the money changes hands from the airport drivers to the bellmen, which sometimes causes arguments and aggravation between airport taxicab drivers and metro drivers.

It is important to note that competition should be allowed for both sides. If it's OK for the airport taxicabs and limousines to get customers from Toronto, with the same law, it should be OK for metro cabs to get immediate flags at the airport with no restrictions or fees.

The airport rides scooped by airport limos and out-of-town taxis, plus the high gas prices, are very damaging for a metro taxicab driver's daily business. This loss of income, plus high expenses, are causing them to work longer hours, with time away from their families, staying late at work. As you know, we recently lost one of our colleagues by the name of Morteza Khorassani at 3:30 a.m. on September 6, 2005. If there is a question—because I didn't want to give all the details.

Anyhow, a lack of laws to protect the rights of metro taxicab drivers and the industry has made it easy for Royal Taxi of Toronto to purchase Markham Taxi, which has over 100 taxicabs, and let it operate in and out of Toronto with the Royal Taxi roof light, colour and phone number and steal more business from metro taxicab drivers.

We need severe penalties and enforceable, strong laws to make it fair for all parties in and out of Toronto. Thank you.

**The Chair:** Thank you. You've left about a minute and a half for each party to ask you questions, beginning with Mr. Klees.

**Mr. Klees:** Thank you, Mr. Heydari. I appreciate you coming forward. I think your presentation is again very succinct and makes a great deal of common sense. We're hoping that members of the government side hear you.

There's been a lot of discussion about this issue in what I would refer to as the negative sense from the standpoint that if whatever penalties are applied to metro licensed cabs at the airport, there should be the same kind of penalty applied to airport limos or airport licensed cabs in the city.

I've been trying to shift the focus here to what I would think is perhaps the right thing to do in a more positive



light, and that is that in light of the fact that we have under the Municipal Act the exemption for airport limos to be able to pick up fares in the city, the same should in fact happen to metro licences dropping off fares and being able to pick up fares at the airport. That would seem to be a positive way to create that level playing field and would allow people to make a living. I can't understand, as you say, with the high cost of gas, insurance and so on, how anyone can afford empty cabs or empty limousines going from point A to point B.

1750

**The Chair:** You have 30 seconds to answer this; I think it's a question.

**Mr. Heydari:** The problem is that, for a long time, we were happy to even have our rights inside Toronto; we were happy to even have nobody take our fares. The cab was empty back from Toronto, but at least we could pick up our customers inside Toronto, not have the airport taxi pick them up. Also, they are giving a cheap rate to them—in the flyer, you can see. I was here in this committee room this morning and this afternoon, and another said that several times he had scooped. How many times have you called for an airport taxi because it was the lower rate? Most people are calling for airport taxis because they are giving a lower rate to them. It's easy because they have to go empty. Maybe others should be the same way, or cap those people's rides or put the same penalty for both sides, not only one side. This is not fair.

**Mr. Marchese:** Mr. Heydari, you heard Owen Leach say that there are a lot of people who come from the airport who solicit pickups illegally. I heard a number of limousine companies that are stationed at the airport, have a licence there, say—they swear, in fact—that they don't do anything illegal, that everything is done in a pre-arranged way. What's your experience?

**Mr. Heydari:** My experience is maybe sometimes they are right. But who is calling for airport taxis? Bellmen, not customers. It should be customers who call for taxis. If customers call, we respect that, but most times it's bellmen. Also the low rates—because we cannot compete with them. If you have an open hand for competition, I can easily tell the customer in the airport, "OK, I'm taking you guys to Toronto for \$30." They are happy to pay \$30 instead of paying \$65. But we don't have that competition rate. But usually customers are not calling for taxis. Bellmen, who are getting money from airport taxi drivers, are calling for airport taxis. Our problem is that.

**Mr. Vic Dhillon:** Thank you very much for your presentation. Throughout the day today, I've had the opportunity to speak to many of the presenters outside, and I was told—I just want to make this clear, and I asked each one of them at different points. You were mentioning that the bellmen call for the airport taxi drivers. I just want to

make the statement that that in fact is not the case and that these people who represent over 80% of the airport taxicabs are willing to provide in writing to this committee that over 95% of their prearranged pickups are from residences or businesses. They're willing to present their company information to the committee. In view of their information and what you're saying, it's not the bellmen who are linked to airport taxicabs and limos; it's these other cars that I guess call themselves limousines who are the ones that have the set-up with bellmen. That's what has sort of been the misconception all the way throughout today.

**The Chair:** Mr. Dhillon, are you going to leave some time?

You have 30 seconds, if you would like to respond to it.

**Mr. Vic Dhillon:** So what you're saying is—

**The Chair:** Mr. Dhillon, your time is up. I'm going to give the last 30 seconds to the delegation.

**Mr. Heydari:** I believe his question is, "OK. We are not fair for you guys." You don't want to teach about the Toronto taxi driver, those people who are doing it the right way. I think they are not right. I'd say that most of them are bribing the bellmen and they are getting the calls from them. You can't easily go into the hotel, though. Toronto taxicabs are not allowed to stay in the line. Those people are staying there until—a call usually should be five minutes to pick up the customers, but they are staying there half an hour or one hour to get the call.

**Mr. Vic Dhillon:** I'm sure there are people—

**The Chair:** I'm not going to allow the argument to go on.

**Mr. Heydari:** The whole story is that. Thank you.

**The Chair:** Thank you very much for being here today. We appreciate your delegation.

**Mr. Heydari:** You're welcome.

**The Chair:** Our next delegation is from Mr. Hosseinioun. Would he be here today? I'm going to call one more time. Mr. Hosseinioun?

The Niagara Regional Police Services Board. Would somebody be here from that organization? The Niagara Regional Police Services Board, Sara Premi. She's not here?

The last call for Mr. Khan. Would Mr. Khan be here?

I'd like to thank all the witnesses, the minister, the members, the committee and the ministry staff for their participation in the hearings.

I'd like to remind all members that amendments to Bill 169 should be filed with the clerk of the committee by 2 p.m. on Wednesday, September 21, 2005.

This committee stands adjourned until 10 a.m. on Wednesday, September 28, 2005, for clause-by-clause consideration of Bill 169. Thank you.

*The committee adjourned at 1756.*











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## Legislative Assembly of Ontario

First Intercession, 38<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Première intersession, 38<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 28 September 2005

# Journal des débats (Hansard)

Mercredi 28 septembre 2005

**Standing committee on  
general government**

Transportation Statute Law  
Amendment Act, 2005

**Comité permanent des  
affaires gouvernementales**

Loi de 2005 modifiant des lois  
en ce qui concerne le transport

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GENERAL GOVERNMENTCOMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES

Wednesday 28 September 2005

Mercredi 28 septembre 2005

*The committee met at 1006 in room 228.*TRANSPORTATION STATUTE LAW  
AMENDMENT ACT, 2005LOI DE 2005 MODIFIANT DES LOIS  
EN CE QUI CONCERNE LE TRANSPORT

Consideration of Bill 169, An Act to amend the Highway Traffic Act and to amend and repeal various other statutes in respect of transportation-related matters / Projet de loi 169, Loi modifiant le Code de la route et modifiant et abrogeant diverses autres lois à l'égard de questions relatives au transport.

**The Chair (Mrs. Linda Jeffrey):** Good morning. The standing committee on general government is called to order. We meet today for the purposes of clause-by-clause consideration of Bill 169, An Act to amend the Highway Traffic Act and to amend and repeal various other statutes in respect of transportation-related matters.

We will now commence clause-by-clause consideration of the bill. I request consent of the committee to stand down sections 1, 2 and 3 of Bill 169 to consider schedule A and schedule B first, as the bill is set out in these schedules. Once we have completed clause-by-clause on the schedules, we will return to sections 1, 2 and 3 of Bill 169. Is there consent? All in favour? It is carried.

Are there any comments or questions on section 1 of schedule A to the bill? Mr. Bisson.

**Mr. Gilles Bisson (Timmins-James Bay):** Well, you've heard the arguments, and I'm just curious to see whether the government has had a chance to have a bit of a change of heart, because I know that you guys are very caring people and you want to do what's right for everybody, not just for the people who work cabs out of the airport in Toronto.

You know what the argument is. The argument is that if you pass this bill, in effect what you're doing is allowing the GTAA cabs to scoop the city of Toronto. That's basically what you're doing. Currently, as you know, there is a situation where the GTAA cabs have an exemption in the Municipal Act that allows them to come in to the city of Toronto and to basically scoop fares from the city of Toronto taxis and then bring fares back to the airport. In fact, they probably can bring them anywhere they want. Currently, that's unfair, because, as you know, the cabbies pay a licence to the city of Toronto, and their

livelihood is affected by that. I just wonder, from the government side, why it is that you are in favour of some scooping some of the time, but not scooping all of the time. Could you tell me?

**The Chair:** Mr. Duguid.

**Mr. Brad Duguid (Scarborough Centre):** I expect the member would be aware of what this legislation does, and in fact it is anti-scooping legislation anywhere. It doesn't just apply to the airport, it applies all over the place. What the Toronto taxicab drivers are looking for is something quite different than just anti-scooping legislation. What they want to be able to do is, through legislation, maybe in the Municipal Act, ensure that they are in control of their own regime in Toronto and that no cabs from outside of Toronto—from the airport—can go in and pick up. That's a completely different issue from anti-scooping legislation.

This anti-scooping legislation will benefit the cabs in Toronto as much as it will everywhere else. It will ensure that those who have no licences at all cannot come in to an area uninsured, uninspected in terms of their vehicles, untrained in terms of their drivers, posing a threat to public safety and with the potential, as well, of price gouging, which is going to affect tourism and clients right across the city of Toronto and right across the province. So we're talking about an issue here that's been talked about for many years. This government cares about public safety, and that's why it's very important that we move forward with this.

**Mr. Bisson:** If we're talking about price gouging, we should be talking about the oil companies, but that's for another debate.

At the airport in Toronto—I travel there every week, being a member who doesn't live in the city of Toronto—you basically have an enforceable system currently. If a taxi in the downtown wants to go in and pick up a fare, they've got to pay the \$10 permit fee. You do have scoopers at the airport in Toronto but you're able to deal with those because it is a very contained area.

My point is this: Once you pass this legislation, you'll be making it easy for the GTAA to enforce this legislation, because it is a contained area. There's only one road to get to the arrivals level and one road to get out, so it's pretty easy to enforce that. The problem is in the city of Toronto. You know well, having sat on the city of Toronto council, how many police officers are going to be running around the city every time they see a scooper picking up a fare in the city of Toronto—virtually im-



possible to do. The argument is that you're really giving the upper hand to the limo drivers at the airport in passing such legislation. So I wonder why you didn't just come at it the other way and say, "What we'll do is amend the Municipal Act in order to take away the provision that allows cabs at the GTAA to come in and pick up the fares here in the city of Toronto."

On the record, I just want to say that we as New Democrats oppose this. We see this as not being fair to the city of Toronto cab drivers. We don't understand why you would take this particular position. You're going to be giving an upper hand to the limo drivers out at the GTAA, and the cabbies, on the other side, are just going to continually get squeezed. I don't understand it from a city of Toronto councillor, who should know this issue far more and not take such a defensive line on the Liberal policy.

**Mr. Duguid:** Just to be clear, I'm just trying to understand the NDP position here, and perhaps the member can be clear in this. So the NDP is in favour of amending the Municipal Act to allow municipalities the ability to not allow airport cabs to come in and pick up in their particular jurisdiction? Can the member be clear about that? Is that the NDP's position?

**Mr. Bisson:** What I'm saying is, and you very well heard what I said, if this bill is passed the way it is—and God knows when you're going to enact it, because that's up to cabinet. It may never be done. I've seen many bills get passed in this Legislature that never got enacted. But that's for another debate later on. My point is that the way this bill is written, it's easily enforced at the airport in Toronto because you have a contained geographic area. Here in the city of Toronto, it's virtually—I wouldn't say impossible, but it's pretty darn hard to enforce the legislation because police officers have far more things to do than watch out for scoopers in the city of Toronto.

All I'm saying is the issue, really, around all of this thing that we're not dealing with is the inequity we find between the Toronto city cab drivers, who pay licence fees to the city of Toronto, and the limo drivers at the airport in Toronto. You've got a situation where they're not allowed as taxi drivers in Toronto to go to the airport and pick up a fare because they're prohibited from doing that by virtue of the \$10 ticket that they've got to get from the airport. But we allow the limos to come in to Toronto to pick up the fares. All I'm saying is that if we're amending legislation, we should really make it the same for both sides. If we're going to take the position, rightfully so, that we're allowing the GTAA limos to come into the city of Toronto and pick up a fare without having to pay a licence fee to the city of Toronto, we should make it reciprocal in going back to the airport. That's my position. That's what I'm saying. That's what we should be dealing with.

As far as the scoopers, I agree with you. We shouldn't allow scoopers. That's not what I'm debating.

**The Chair:** Can I just remind the speakers that you're supposed to go through the Chair, so if you could at least—

**Mr. Bisson:** Pardon me, Madam Chair.

**The Chair:** Mr. Duguid, did you want to respond?

**Mr. Duguid:** Yes. Thank you, Madam Chair.

Obviously, as a Toronto member, I'm sympathetic to the concerns being raised by the member. I just want to make sure I'm clear on the NDP position. The NDP supports an amendment to the Municipal Act that would allow municipalities to do exactly what the member suggests, and that's to ensure that any Greater Toronto Airports Authority cab or limo is licensed under the local authority. Is that what the NDP position is? I mean, that's really what you're suggesting we do.

*Interjection.*

**The Chair:** Mr. Bisson, can I just let one person speak at a time? Is that the end of your question, Mr. Duguid?

**Mr. Duguid:** Well, if I get a clear answer, it is.

**The Chair:** Thank you. Mr. Bisson.

**Mr. Bisson:** What I'm asking, Madam Chair, through you to the committee member is this: that we have a reciprocal agreement between the city of Toronto and the GTAA. If the GTAA takes the position that they will charge a fee every time a cabbie from the city of Toronto goes to the airport, it is unfair to have that fee if the city of Toronto doesn't charge a reciprocal fee coming back.

My preferred option would be for the GTAA not to charge it. That would be my preferred position, but I know that's not going to happen. So we should, at the very least, amend the Municipal Act to have some sort of licensing regime for the limo drivers that are coming into the city of Toronto when picking up fares that are rightfully fares that should belong to the cabbies of the city of Toronto. That's what I'm saying.

**Mr. Duguid:** Likely my final comments to this would be the NDP is accurate in pointing out an issue. What I'm trying to discern, and haven't been able to, is whether in fact they have a solution to that particular issue, or whether they support a solution to that. The government is reviewing the Municipal Act as we speak, and it would be under the Municipal Act that that particular solution could possibly come forward. So we've made a commitment that we will listen very carefully, and that we're considering some of the concerns brought forward by the Toronto taxi industry as we review the Municipal Act and the City of Toronto Act.

That being said, these issues were going on when both opposition parties were in office. None of them saw fit to address the particular problem of scooping. This legislation does that. We're taking action to protect public safety, and any suggestion that we should delay that, I would suggest, is irresponsible.

**The Chair:** Mr. Bisson.

**Mr. Bisson:** I think Leslie Frost should have dealt with this in the 1930s; that ain't the point. It's a problem that we've got today, so it's a bit of a weak argument. Listen, I take you on face value—Madam Chair, through you—that you're going to be making amendments to the Municipal Act. I have an amendment later on to only enact this when you've gone through the Municipal Act, and that would be a way of dealing with this.



**The Chair:** Any further comments or questions on section 1 of schedule A of the bill?

Seeing none, shall section 1 of schedule A carry? All those in favour? All those opposed? That's carried.

*Interjection.*

**The Chair:** Sorry? I saw their hands up.

**Mr. Duguid:** The question was, shall it carry? Yes. Please repeat that.

**The Chair:** Shall section 1 of schedule A carry? All in favour? All those opposed? That's carried.

Section 2: Any debate? Mr. Bisson.

**Mr. Bisson:** You know, we're going to have the same debate over again, and I just say to my friends across the way that I want to be clear. The New Democratic caucus is not in any way, shape or form saying that we should allow scooping. I think that, quite frankly, people that are not licensed shouldn't be carrying passengers, for all kinds of reasons, as you can well understand, from insurance, safety and the rest.

But I want to get back to the issue, because it is one that has been raised with me a number of times by the city of Toronto cabbies, not only here in the city of Toronto but in other communities across the province. Airports tend to have a pretty closed shop when it comes to how they do business with the cab industry, and what you end up with is a very uneven playing field when it comes to those licensed cabbies in a city in which there is an airport. For example, it could be the city of Sudbury or Timmins.

I know that certainly here in the city of Toronto you have a licensing system at the airport itself that only gives exclusive rights to pick up fares at the airport to those with a license—fair enough—but they find themselves within the jurisdiction of the city, to which those people who are licensed at the airport can then go and pick up fares from those that are licensed in the city of Toronto.

I just think that's rather unfair, and I think there's an opportunity in this bill that is being missed to try to deal with it in a fairer way, so that a cabbie that works in the city of Toronto or the city of Timmins, wherever it might be, has a level playing field with those people that are basically operating out of airports. What you've got are airport limos or cabs being able to pick up fares in the jurisdiction to which the cab is licensed, but you don't have a reciprocal ability. It's very frustrating for the cab driver who sits there waiting for his or her fare, only to be scooped—technically, legally scooped—by somebody else who doesn't have a licence in that community. I just think that the government, quite frankly, missed a golden opportunity to deal with that issue to give fairness to cabbies across this province. I'm rather sad that we haven't dealt with that.

1020

**Mr. Duguid:** I have similar arguments to what I've made before. What I would suggest, rather than repeat them—they're already on record. I would also suggest that one of the advantages to ensuring that we move forward with this for all legitimate taxicab drivers across

the province, and in particular in Toronto, is the fact that this will put more teeth into the provisions with regard to scooping, not only for those who are scooping but for those who are arranging for scooping. That's very, very important, because that's the cookie issue that we talked about during the public hearings that many Toronto taxicab drivers have raised as a particular problem. It's something that this legislation will in fact ensure that there is teeth in. Again, that's going to benefit the entire industry. It's not something that I would suggest we delay in order to resolve another issue which has really nothing to do with this legislation, the \$10 fee that the Greater Toronto Airport Authority charges outside cab companies when they come in to pick up.

**Mr. Bisson:** In this particular section, from a personal point of view, as somebody who comes through the airport on a regular basis, sometimes a couple of times a week, often you'll find yourself in a situation where there are no cabs at the arrivals level, so you go up to the departures side to grab a cab to get back in the city. Monsieur Lalonde, I'm sure, learned that trick many years ago from travelling in from the city of Ottawa. What this basically does is that, if I go up to the departures level and jump into a cab from the city of Toronto that just dropped off a passenger, that cabdriver, he or she, can be charged \$5,000 or be thrown in jail for 30 days, or both.

I just think that it's rather unfortunate, because what you've basically got is me as a consumer making a decision that I don't want to stand in the lineup down below because the concierges don't have the GTAA's card and putting that cabbie in a heck of a position. I just think it's rather unfortunate. I go back to the point that we need to find some way to deal with this issue from a fairer perspective, from both those who are licensed at the GTAA and those who are licensed in the city of Toronto. I think one way to do that would have been to issue the GTAA guys some sort of licence that the GTAA people would have to pay in the city of Toronto in order to pick up fares in Toronto.

I'm not talking about the unlicensed scooper; I'm talking about the licensed GTAA limo who comes into the city of Toronto to pick up a fare which he has no licence to pick up. It's sort of a legalized form of scooping because they're protected under the Municipal Act. I would hope that the government, when they do the review of the Municipal Act, will make an amendment that makes it fairer for both sides when it comes to the issue of licensing. If the cab driver in the city of Toronto has to pay a \$10 licence fee to pick up a fare, there needs to be a reciprocal agreement with the limos coming back into the city of Toronto.

**Mr. Duguid:** Fairness is very important. The fact of the matter is, in order to achieve fairness, you have to recognize that whether it's taxicabs going into the airport and scooping from the limo drivers or the limo drivers going into, for instance, the city of Toronto and scooping from them, scooping is repugnant, no matter who's doing it. That's what this legislation is about, trying to decrease



the incidence of scooping to ensure that there's greater fairness in the system.

The member suggests that there's a \$10 fee that Toronto taxicab drivers and, I guess, others from outside have to pay to go into the airport. That's an issue altogether different from the legislation that's in front of us. The provisions for cab drivers coming into places like the city of Toronto and the licensing regime they face if they don't hold a licence to pick up there is something that will need to be dealt with, certainly, as we look at things like the Municipal Act and the City of Toronto Act. We've committed to looking at that. I think it's important that we take a good look at it.

The NDP appear to be in favour of us moving forward with those changes to allow municipalities the ability to license in their own area and enforce those licences, to ensure that any cab coming from outside Toronto, including limos, may not be able to pick up in Toronto or may have to be licensed to pick up in Toronto. I appreciate their position, and it's something that we'll consider as we move forward.

**The Chair:** Mr. Bisson, did you want to comment? No.

Any further comments or questions on section 2?

**Mr. John O'Toole (Durham):** I'm actually the transportation critic, new to the job, and as such, I apologize for not attending these hearings in person. I'm actually a member of the estimates committee, which is meeting in room 151, and have been. But I want to put on the record—and I do apologize profusely—that I believe there is a section; I think it's section 4 or section 2—dealing with the taxi issue. You're on section 2, right?

*Interjection.*

**Mr. O'Toole:** I have met with the industry, and I think we'll be moving an amendment here, obviously, if I'm not mistaken, and that would be to delete that section until we deal with the revised Municipal Act. Do I have a comment for the critic for that? I'm looking through our amendments here.

**The Chair:** I don't have a motion in front of me.

**Mr. O'Toole:** Yes, it's later on. I'm doing this sort of out of sequence, with the indulgence of the Chair, because we're short of people, if you will.

**The Chair:** Mr. O'Toole, are you talking about section 2 of schedule A right now? That's what we're on right now.

**Mr. O'Toole:** Yes, I understand that. I'm looking at it here. It doesn't really apply directly to the taxi issue.

**The Chair:** So would you like to make any comments on section 2 of schedule A?

**Mr. O'Toole:** I'm just using the time to get on the record.

**Mr. Bisson:** John, we have a similar amendment. We'd be glad to move it for you.

**Mr. O'Toole:** The amendment isn't—

**The Chair:** Mr. O'Toole, are you speaking to section 2; schedule A, right now?

**Mr. O'Toole:** Well, I'm not, no.

**The Chair:** OK. So would you like to stand down until we get to a section on an issue that you want to talk about?

**Mr. O'Toole:** I won't be here. Thank you for your indulgence, Chair. I'm actually going to be here for about five to eight minutes, and I just wanted to put on the record—

**The Chair:** Well, if we move quickly, we can probably get to a place where you might be able to get on the record.

**Mr. O'Toole:** Very good. I'll stand down my comment for a few minutes.

**The Chair:** Thank you. Any further questions or comments on section 2 of schedule A? If not, shall it carry? All those in favour? All those opposed? Carried.

Section 3: Any comments? Seeing none, shall section 3 of schedule A carry? All those in favour? All those opposed? Carried.

Section 4: Any comments?

**Mr. Bisson:** I'm not going to repeat it over again. I've already made the point. It doesn't appear that the government is prepared to move with it in this particular bill. But I'm going to take at face value the offer to deal with this in the Municipal Act, and I'm going to have a suggestion as to how we do that when we come to the end of clause-by-clause. I'll have a motion to deal with that.

**The Chair:** Thank you. Any further comments or questions? Seeing none, shall section 4 of schedule A carry? All those in favour? All those opposed? Carried.

Section 5: Any comments or questions? Seeing none, shall section 5 of schedule A carry? All those in favour? All those opposed? Carried.

Section 6 of schedule A: Any comments or questions? Seeing none, all those in favour? All those opposed? Carried.

**Mr. Bisson:** Can I make a suggestion? You can say sections 7 through to 16, and we'll be there.

**The Chair:** I could. Thank you, Mr. Bisson.

Shall sections 7 through 16 carry? All those in favour? All those opposed? Carried.

**Mr. Bisson:** It's actually 17. Sorry.

**The Chair:** It's OK.

**Mr. Bisson:** I don't know how to count today all of a sudden. I missed a section.

**The Chair:** On section 17 of schedule A, any comments or questions? Seeing none, all those in favour of section 17, schedule A? All those opposed? Carried.

Section 18 of schedule A: Any comments or questions?

**Mr. Bisson:** We're on 18, right?

**The Chair:** Yes.

**Mr. Bisson:** I just want to make sure we're at the right place. Let me flip my bill here to make sure I'm in the right spot here.

**The Chair:** Mr. Bisson, you're 18.1, I believe, and we're just on 18.

**Mr. Bisson:** Are you not at 18?

**The Chair:** Yours, I believe, is an amendment to 18.1.



**Mr. Bisson:** That's right, and that's where we're at, right?

**The Chair:** We're on section 18.

**Mr. Bisson:** Sorry. I was trying to flip my bill to keep up with all those sections we rapidly went through.

**The Chair:** I apologize. I know we're moving quickly.

**Mr. Bisson:** That's OK. Not a problem. You're doing a fine job.

1030

**The Chair:** On section 18, any comments or questions? Seeing none, shall section 18 of schedule A carry? All those in favour? All those opposed? Carried.

Section 18.1.

**Mr. Bisson:** I move that schedule A to the bill be amended by adding the following section:

"18.1 Subsection 134(4) of the act is repealed and the following substituted:

"Exception to subs..(3)

"(4) Subsection (3) does not apply to a road service vehicle, an ambulance, a fire department vehicle, a public utility emergency vehicle, a police vehicle or a motor vehicle driven by a firefighter, as defined in subsection 1(1) of the Fire Protection and Prevention Act, 1997, who is responding to an emergency."

It's similar to a government motion, so I imagine it will pass.

**The Chair:** Mr. Bisson, I'm going to rule this particular motion out of order because 134(4) is not opened in Bill 169.

**Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell):** Madam Chair, because we don't deal with section 134 of the act, and also we had support during the public hearings, I would ask that we get unanimous support to debate those amendments.

**The Chair:** A motion has been put on the floor for unanimous consent to debate the motion. Mr. Bisson, do you want to discuss the motion?

**Mr. Bisson:** Just to that point, I'm not hostile to doing this; in fact, we have amendments that we'd like to have passed too. It puts us in the awkward position of saying yes to this but maybe saying no to other sections we may or may not want to open. By order of the House, by a second reading vote, we determine what this committee can do as far as what acts we're able to deal with and what sections we're able to deal with under those acts. Although I'm really excited to try to pass some of these motions, it puts us in an odd position where, because it suits the government that they agree with the opposition on this one amendment, you'll do it. I want a pro quo back, Jean-Marc. I want you to owe me a favour. I want you to say yes when I come with an amendment the other way. Do I have your commitment?

**Mr. Lalonde:** At the present time—

**The Chair:** Could you please go through the Chair the next time you're making these deals?

**Mr. Lalonde:** At the present time, Madam Chair, we're just dealing with this section. As I said, the fact

that we're not dealing with section 134 of the act is why we need unanimous consent to deal with the amendment.

**The Chair:** I'm going to step in now. I have ruled this out of order. If you do not decide collectively that you're going to unanimously agree to discuss it, you don't get to debate it while you're debating it. You have to decide now whether or not you're going to unanimously consent to debate this issue.

**Mr. Lalonde:** Madam Chair, you've asked the two parties if we have unanimous consent to debate that.

**The Chair:** I have. So the question's been called: Do I have unanimous consent that we discuss this motion? Yes? Mr. O'Toole, do I have your consent?

**Mr. O'Toole:** I'm not subbed in.

**The Chair:** You're not subbed in. OK, we have unanimous consent. We will consider the motion. Mr. Bisson, you have the floor.

**Mr. Bisson:** I read the motion; do you want me to do it again?

**The Chair:** No. Do you want to discuss the motion?

**Mr. Bisson:** I think the motion is pretty straightforward. I think the government agrees with the NDP caucus that we need to give firefighters this ability.

To the earlier point I was making to Mr. Lalonde, we find ourselves in a bit of an odd situation that again, because the government agrees with us, they're going to let us open this section of the act. But God knows, I've got a shopping list of things I'd like to open that you're not going to give permission for, so I'm feeling rather uneasy here. I'm looking for the government's support on this NDP motion.

**Mr. Lalonde:** Madam Chair, the intent is well in place, but the last part of this amendment, "who is responding to an emergency"—we want to make sure that those people have access to come back to fire calls or an accident. At the present time, the amendment only allows the people to go to respond to an emergency call. That is why we have another amendment after this, which comes from the government, that specifies exactly the people who would have access and also are able to come back.

**Mr. Bisson:** That's an interesting argument. Listen, the difference between the two is that we're saying, "who is responding to an emergency" I think it's pretty clear. It means there's an emergency and the firefighter who is off duty, who is going to assist, is going to be able to drive on that roadway and presumably get off when the emergency is dealt with. Yours basically says "who is performing his or her duties." I can make an argument that they're not performing "his or her duties" because they're not on duty; they're on their time off. I don't quite understand why we're going there, but if the government wants to have an amendment under their name rather than an NDP motion, so be it. I knew I shouldn't have given you consent.

**Mr. Lalonde:** When Mr. Bisson said they're on duty, yes, they're on duty whenever they're called to a fire scene, up to when they go back home. Firefighters, when they're called, if they're off-duty firefighters, are covered



until they go back home. This is why we say that ours is spelled out a little differently.

**Mr. Bisson:** They wrote a song once that was called “You say tomayto, I say tomahto.” We’re both talking about the same thing here, so I’m not going to get into a huge argument over it. It’s fairly clear to me that both amendments basically do the same thing. If we’re going to get two lawyers standing before a judge trying to make an argument, I can make an argument, as Mr. Lalonde did on the NDP motion, saying the person was able to respond to the emergency but he can’t get off the roadway. I can go before a judge and make an argument on your amendment, saying the firefighter was off duty and was not on duty, and therefore shouldn’t have had access to the roadway. Lawyers are going to argue this both ways. I don’t know why we just don’t vote for the one, but I’m prepared to vote for the other. I’m pretty big about this stuff. I don’t care. It doesn’t have to say “NDP” on it. If it has to say “Liberal,” OK.

**The Chair:** Any further discussion? Shall the motion carry? All those in favour? All those opposed? That’s lost.

The next motion is a government motion. I also rule that this motion is out of order.

**Mr. Lalonde:** Again, Madam Chair, as I mentioned previously, the fact that we haven’t dealt with section 134 is why unanimous consent is required to proceed with this amendment, and we did get support during the public hearings.

**The Chair:** Do I have unanimous consent to deal with this motion?

*Interjection.*

**The Chair:** I hear reluctant agreement. Thank you, Mr. Bisson.

You have to move the motion, Mr. Lalonde.

**Mr. Lalonde:** I move that schedule A to the bill be amended by adding the following section:

“18.1 Subsection 134(4) of the act is repealed and the following substituted:

“Exception to subs. (3)

“(4) Subsection (3) does not apply to a road service vehicle, an ambulance, a fire department vehicle, a public utility emergency vehicle, a police vehicle or a motor vehicle driven by a firefighter, as defined in subsection 1(1) of the Fire Protection and Prevention Act, 1997, who is performing his or her duties.”

**The Chair:** Any discussion?

**Mr. O’Toole:** I have a question on this. I’ve had contact—I apologize again—with the slow-moving vehicle group, more like the electric cars.

*Interjection.*

**Mr. O’Toole:** No, these are innovative cars. There was a federal study done under Transport Canada, I gather, in Saint Jerome, Quebec, where they actually had these new, innovative vehicles that are more in the future, alternate vehicles somewhat like the Smart car, where the issue is whether they conform with the definition of vehicles. I understand that one of the sections is dealing with variable speed limits. You’re the parliamentary

assistant, Mr. Lalonde. Are you familiar—there’s a section in here that deals with slow-moving vehicles.

**1040**

**The Chair:** Mr. O’Toole, can we deal with the motion that is before the Chair at the moment?

**Mr. O’Toole:** Well, it is, with respect to whether or not I would get support for that. What section is that in? Is it in this section?

**The Chair:** Can you perhaps talk with ministry staff? They are here. They would be pleased to assist you. But right now—

**Mr. O’Toole:** I just want to put on the record that I have concerns that if there’s a pilot done—I have correspondence from the Minister of Transportation on this; if there’s a pilot done on slow-moving vehicles—there’s some acronym they use for them—that the groups that aren’t part of the kind of legitimate voice be consulted. I could provide the ministry with names and I’d ask to be consulted if there is to be a pilot done on slow-moving vehicles on public roadways.

**The Chair:** Thank you, Mr. O’Toole. That’s recorded.

**Mr. Lalonde:** I’d just like to say to Mr. O’Toole that this section really coincides, really supports, member Murdoch’s bill that was introduced in the House, passing second reading.

**The Chair:** Shall section 18.1 of schedule A to the bill, the amendment, be carried?

A recorded vote has been requested. All those in favour?

**Ayes**

Dhillon, Duguid, Lalonde, Matthews, Rinaldi.

**The Chair:** All those opposed? Are you opposing, Mr. Bisson? You asked for a recorded vote. No? OK. Thank you. That’s carried.

Section 19: Any comments or questions? Seeing none, shall section 19 of schedule A carry? All those in favour? All those opposed? That’s carried.

Section 20: Any comments or questions? Seeing none, shall section 20 of schedule A carry? All those in favour? All those opposed? That’s carried.

Section 21: Comments or questions? Seeing none, all those in favour? All those opposed? That’s carried.

Section 22: Mr. Bisson.

**Mr. Bisson:** I move that section 146.1 of the Highway Traffic Act, as set out in section 22 of schedule A to the bill, be struck out and the following substituted:

“Traffic control stop and slow signs

“146.1(1) A traffic control person on a roadway or adjacent to a roadway where construction or maintenance work is being carried out may display a traffic control stop or slow sign.

“Same—firefighters

“(2) A firefighter on a roadway or adjacent to a roadway where an accident has occurred may display a traffic control stop or slow sign.

“Driver required to stop



“(3) Where a traffic control person or firefighter displays a traffic control stop sign, the driver of any vehicle or street car approaching the person shall stop before reaching him or her and shall not proceed until the traffic control person or firefighter stops displaying the traffic control stop sign.

“Driver required to slow down

“(4) Where a traffic control person or firefighter displays a traffic control slow sign, the driver of any vehicle or street car approaching the person shall approach the person and proceed past him or her and past the construction or maintenance work or scene of an accident with caution and at a slow rate of speed”—not a slow rate of read—“so as not to endanger any person or vehicle on or adjacent to the roadway.

“Unauthorized use of sign

“(5) No person other than a traffic control person or firefighter shall display on a highway a traffic control stop or slow sign.

“Regulations

“(6) The Lieutenant Governor in Council may make regulations prescribing the type, design and specifications of traffic control stop and slow signs.

“Definitions

“(6) In this section,

“‘construction or maintenance work’ includes work by a utility, including a public utility within the meaning of the Public Utilities Act or the Municipal Act, 2001, or by a transmitter or distributor within the meaning of the Electricity Act, 1998; (‘travaux de construction ou d’entretien’)

“‘firefighter’ has the same meaning as in subsection 1(1) of the Fire Protection and Prevention Act, 1997; (‘pompier’)

“‘traffic control person’ means a person who is directing traffic and who is employed by the road authority with jurisdiction over the highway, by a public utility within the meaning of the Public Utilities Act or the Municipal Act, 2001, by a transmitter or distributor within the meaning of the Electricity Act, 1998 or by a person under contract with the road authority, public utility, transmitter or distributor to do construction or maintenance work on or adjacent to the roadway. (‘agent de régulation de la circulation’)

**The Chair:** Thank you, Mr. Bisson. Any comments or questions?

**Mr. Bisson:** I think it’s pretty straightforward. They’re normally the first people on the scene, and it makes some sense to give the firefighters this ability, something they’ve asked for and something I know we’ve all seen at one time or another. I understand the government will probably be supportive of this section.

**Mr. Lalonde:** I recognize the rationale for this amendment to the act. At present, we know that firefighters in the rural area, for example, get to a fire and probably for half an hour or an hour, the police are not even getting there. Also, in the urban sector, just on Grosvenor, I was watching, and when the fire truck is backing up in the fire station, the traffic is controlled by

the firemen. So I recognize the importance of the amendment.

**The Chair:** Any further discussion or comment?

**Mr. Lou Rinaldi (Northumberland):** I think the motion the NDP brought forward is a good one. We have a motion following the one that was just read, and I’d be prepared to support the NDP motion if—I’m not sure we’re doing this in the right order; I look for direction. If you look at the next government motion, subsection (b), I would like an amendment to add that section to Mr. Bisson’s bill, if it’s possible.

**The Chair:** I’m sorry. What was the request?

**Mr. Rinaldi:** To add subsection (b) from the government motion coming up next.

**The Chair:** I guess what you have to do is make sure the mover is agreeable to that amendment.

**Mr. Rinaldi:** I guess that’s what I’m asking.

**Mr. Bisson:** Can you explain it a little bit? I think I understand, but—

**Mr. Rinaldi:** If you go to the very last paragraph of the government motion, Mr. Bisson—

**Mr. Bisson:** For (b)?

**Mr. Rinaldi:** Yes. I would like that included in your motion.

**Mr. Bisson:** The section that says “limiting the use of border approach lanes”? Is that what you’re talking about?

**Mr. Rinaldi:** No. Amendment 6.

**The Chair:** The last paragraph on page 6. He’s asking to add it to your motion.

**Mr. Bisson:** I am so sorry. I was one amendment ahead of you. I’m agreeable.

**The Chair:** Mr. Rinaldi, you made the request. You got an answer. Did you want to comment further on it?

**Mr. Rinaldi:** No, Madam Chair. I’m fine.

**The Chair:** The request is to amend the original motion. Is that what you’re asking?

**Mr. Rinaldi:** Correct.

**The Chair:** Can you just repeat that for Hansard, please?

**Mr. Rinaldi:** I would like to amend Mr. Bisson’s motion by adding subsection (b). I could read it, Madam Chair, if you’d like.

**The Chair:** Please.

**Mr. Rinaldi:** “(b) is employed by or under contract with a person who has been issued a permit or written authorization by the road authority with jurisdiction over the highway to occupy a lane or a portion of a highway in order to undertake work on or adjacent to the highway.”

**Mr. Bisson:** I allowed you to put it in, and it’s put me in a bit of an odd position. I’m being so darned co-operative this morning.

**Mr. Rinaldi:** So are we.

**Mr. Bisson:** I know. It goes both ways. But the initial idea of what we were trying to do here is to recognize that firefighters are normally the first people at the site of an accident and therefore we should get firefighters the ability to direct traffic, because they’re the first ones there. What you’re now trying to bring into this, if I



understand it correctly, is that if you've got a highway under construction, we would give the construction worker the same authority as a police officer.

**Mr. Rinaldi:** They already do that.

**Mr. Bisson:** Then explain to me why we need to do this.

**The Chair:** Can I ask if we can get some legal advice as to whether this is a reasonable change, that we do this while we're chatting?

**Ms. Susan Klein:** Yes. I think we just have to change the government motion a bit. There was also a number typo in the NDP motion. There are two subsections (6), so if you can make the second subsection (6) read sub (7).

**Mr. Bisson:** Wait till I talk to my researcher. Is he in trouble.

**Ms. Klein:** That was my fault. Talk to me.

**Mr. Bisson:** Oh, it's your fault? Wait till I talk to legislative counsel.

**Ms. Klein:** So that's subsection (7). The government would be asking to strike out the whole definition of "traffic control person" in subsection (7) of section 146.1, as set out in your motion. So they'll repeat the whole thing.

**Mr. Bisson:** That's fine. Just for the record, Madam Chair, I would move that under subsection (6) becomes (7).

**The Chair:** Any questions or comments about that correction? Seeing none, I think we've got agreement on that. Did you want to discuss this further, Mr. Bisson?

**Mr. Bisson:** Yes. I want an explanation on the logic of what (b) is going to do in the end, if somebody from the ministry can come and explain that.

**The Chair:** Could somebody from the ministry help? Or do you have the answer, Mr. Rinaldi?

**Mr. Rinaldi:** I don't have the answer. I was going to ask for some ministry staff to explain that, please.

**Mr. Bisson:** That's why you guys are all sitting here getting paid the big bucks today. Come on; front and centre.

**Mr. Lalonde:** Madam Chair, the main reason behind that is because on construction sites, crane operators sometimes need people to direct traffic while they're getting in place. At present, it is not authorized to have someone from the construction site direct traffic while the crane is going to the proper position.

**The Chair:** At this point, because there is some confusion about the ultimate wording of the motion, Mr. Rinaldi, I need the total motion with the changes read into the record—the corrected numbers, the corrected wording. Should we take a break?

**Mr. Lalonde:** Madam Chair, I have an answer. At present, municipalities' employees are covered, but when it is a commercial contractor coming in, the people employed by this contractor are not protected if they are directing traffic. That is the main reason behind it.

**Mr. Bisson:** Just so I understand correctly, this would be like a winter road maintenance contract worker. Is that what you're saying?

**Mr. Lalonde:** That is right, and also other construction site workers. A good example is a crane putting up an air conditioner in a high-rise building. They would require a crane, and the crane could be parked on the road. It would require somebody to direct the traffic, and this would protect them.

**The Chair:** Committee, I'm getting some conflicting advice here. Where I am right now is that we need the original motion to be withdrawn and the new one to be read into the record. Is that right?

**The Clerk of the Committee (Ms. Tonia Grannum):** The original amendment to Mr. Bisson's motion.

**The Chair:** The original amendment read into the record.

**Mr. Bisson:** Can I be very, very useful?

**The Chair:** I'd be very grateful.

**Mr. Bisson:** I'm going to withdraw the NDP motion on section 146.1. If the government wants to bring theirs in, we'll deal with theirs.

**The Chair:** So you're withdrawing page 5?

Mr. Rinaldi, would you like to begin with the motion you would like to introduce on this issue?

**Mr. Rinaldi:** Madam Chair, we need a couple of minutes for a recess, because there's real confusion here.

**The Chair:** Yes. We're going to take a five-minute recess.

*The committee recessed from 1054 to 1104.*

**The Chair:** Can everybody sit down? We're just about ready now. I think we have the new wording. We're at the point in our agenda that we're at section 22 of schedule A. Mr. Bisson, you have the floor.

**Mr. Bisson:** Well, Madam Speaker—my God, are you running? Madam Chair—you've got my vote. There we go.

**The Chair:** Many years from now, possibly.

**Mr. Bisson:** Madam Chair, I would make this really simple and say that everything I read into the record a little while ago as a motion to 146.1 be allowed to stand except that the second (6) turn into a (7). We'll bring that to a vote, and then we'll move to an amendment afterwards to allow the government to make an amendment to mine.

**The Chair:** Is there consent to what Mr. Bisson just stated? Can I just get nods? They're in favour.

Mr. Bisson, any comments on the motion that you've put forward?

**Mr. Bisson:** I just want to say that I think this is an example of where firefighters and others have come before this committee and made a very valid point as to one of the things they need in order to do their jobs and ensure the safety of the public. I think it makes ultimate sense, and I look forward to everybody voting in favour.

**The Chair:** Any further comments or questions?

Seeing none, shall the motion carry? All those in favour? All those opposed? That's carried.

Mr. Rinaldi: the government motion.

**Mr. Rinaldi:** Madam Chair, I move that the definition of "traffic control person"—



**The Chair:** Mr. Rinaldi, can I just stop you for a second? This is a new motion, right?

**Mr. Rinaldi:** Yes.

**The Chair:** Because if anybody's trying to follow along, they can't. So will we get a copy to everybody?

**Mr. Rinaldi:** We'll get you copies, yes. Sorry.

**The Chair:** Thank you. Please begin again.

**Mr. Rinaldi:** I move that the definition of "traffic control person" in subsection 146.1(7) of the Highway Traffic Act, as set out in section 22 of schedule A to the bill, as amended by Mr. Bisson's motion, be struck out and the following subsection included:

"Traffic control person' means a person who is directing traffic and,

"(a) is employed by,

"(i) the road authority with jurisdiction over the highway,

"(ii) a public utility within the meaning of the Public Utilities Act or the Municipal Act, 2001,

"(iii) a transmitter or distributor within the meaning of the Electricity Act, 1998, or

"(iv) a person under contract with the road authority, public utility, transmitter or distributor to do construction or maintenance work on or adjacent to the roadway, or

"(b) is employed by or under contract with a person who has been issued a permit or written authorization by the road authority with jurisdiction over the highway to occupy a lane or a portion of a highway in order to undertake work on or adjacent to the highway."

**The Chair:** Any further comments or questions?

**Mr. Bisson:** I just want to speak in opposition to that particular amendment, and let me tell you why very simply. I've been approached by some police officers—I won't say where; it might be better for their own protection. Basically, what often ends up happening is that it's off-duty police officers who are brought in to do this kind of traffic control work, and they see this as the jurisdiction of police officers. I've been spoken to about this particular item, and they would see this as contracting out. Therefore, New Democrats will vote in opposition to it.

**The Chair:** Any further comments or questions?

Seeing none, shall the amendment carry? All those in favour? All those opposed? That's carried.

Shall section 22 of schedule A, as amended, carry? That's carried.

Section 23: Any comments or questions?

Shall section 23 of schedule A carry? That's carried.

Section 24: Any comments or questions?

Seeing none, shall section 24 of schedule A carry? That's carried.

Government motion 24.1.

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**Mr. Duguid:** I move that schedule A to the bill be amended by adding the following section:

"24.1 Part X of the act is amended by adding the following section:

"Restricted use of border approach lanes

"154.2 (1) Where a highway approaches the border between Canada and the United States of America and has been divided into clearly marked lanes for traffic, the minister or, if the highway is under municipal jurisdiction, the municipality with jurisdiction over the highway may erect signs marking any lane on the highway, or on any part of the highway, as a border approach lane.

"Offence

"(2) No person shall drive a vehicle in a border approach lane except in accordance with the regulations made under this section.

"Authority to stop vehicles

"(3) A police officer may require a driver of a vehicle in a border approach lane to stop and the police officer may demand that the driver and occupants of the vehicle produce for examination the identification or authorization, or both, required under this section.

"Same

"(4) The driver and occupants of a vehicle shall comply with any requirement or demand made by a police officer under subsection (3).

"Regulations

"(5) The Minister may make regulations,

"(a) limiting the use of border approach lanes to vehicles, or any class or type of vehicles, that are clearly authorized in accordance with the regulation;

"(b) limiting the use of border approach lanes to drivers or occupants of vehicles, or of any class or type of vehicles, or any class of drivers or occupants, who carry identification in accordance with the regulation;

"(c) prescribing conditions and circumstances for the use of border approach lanes by vehicles or persons described in clause (a) or (b), including limiting the use of border approach lanes to specified months or times of the year, days or time of day;

"(d) prescribing the authorization that is required for a vehicle, or a vehicle belonging to a prescribed class or type of vehicle, to be entitled to use border approach lanes;

"(e) prescribing the identification that is required for a person, or a prescribed class of person, to be entitled to use border approach lanes;

"(f) governing the erection of signs and the placing of markings to identify border approach lanes;

"(g) prescribing the types of the signs and markings referred to in clause (f), instructions to be contained on them and the location of each type of sign and marking;

"(h) exempting buses, ambulances, fire apparatus, commercial motor vehicles as defined in subsection 16(1) that are engaged in highway maintenance or construction and any other type or class of vehicle from any of the limitations in the regulation, and prescribing conditions and circumstances for such exemptions;

"(i) exempting any class of drivers or occupants from any of the limitations in the regulation, and prescribing conditions and circumstances for such exemptions;

"(j) prescribing the maximum length of a border approach lane.

"Regulation may be general or specific



“(6) A regulation made under subsection (5) may be general or specific in its application and may apply differently to different classes or types of vehicles or persons.”

**The Chair:** Any comments or questions?

**Mr. Bisson:** Can you explain to me why you need this? What's the logic of it?

**Mr. Duguid:** Does the parliamentary assistant want to do that?

**Mr. Lalonde:** Yes. At the present time the minister doesn't have the power to identify those lanes. This will give him the power to state which lane is reserved at border crossings for the trucking industry, for example.

**Mr. Bisson:** I just find it kind of surprising that the minister and the crown, who own the highways—not the minister, but the crown—don't have that authority. I take it that this will allow you, in places like Windsor and others, to identify parts of the highway that would be border approach lanes for the trucking industry as a way of being able to deal with some of the traffic congestion at the border.

**Mr. Lalonde:** That is right.

**The Chair:** Mr. Ouellette.

**Mr. Bisson:** I had one other question.

**The Chair:** I'll come back to you.

**Mr. Jerry J. Ouellette (Oshawa):** Just a quick question on that: During the consultation period, were the industries that have been calling for this, such as General Motors and the auto carriers, directly contacted?

**Mr. Lalonde:** We have been approached by the trucking industry about having identified lanes, yes.

**Mr. Bisson:** Again, it might be a very good idea—in fact, I was in Windsor just recently meeting with Brian Masse and Joe Comartin about this very issue. As you know, Windsor has got one heck of a problem with border crossings. I know that there has been quite a bit of work done in that area in order to try to deal with the congestion on the roads. I'm just wondering: Was there any consultation with the municipalities affected by this—Windsor, Sarnia and others?

**Mr. Lalonde:** Definitely the municipalities would love to see those lanes identified, which are not at the present time. Yes, definitely.

**The Chair:** Any further comments?

**Mr. Bisson:** Last question: Did you get Brian Masse's approval?

**Mr. Lalonde:** I cannot answer that one.

**The Chair:** I think that was a trick question.

Any further questions or comments?

Shall the motion carry? All those in favour? All those opposed? That's carried.

**Mr. O'Toole:** Maybe I'm a bit out of sequence because of my lack of familiarity with the bill, but section 24—this is why I may be out of order—dealt with the high-occupancy vehicle lanes. My question there is about the ability of the minister to set regulations for the type and class of vehicles in subsection (2), I think. I'm wondering if motorcycles would be considered as eligible to travel in high-occupancy vehicle, HOV, lanes.

**Mr. Lalonde:** Definitely not. Motorcycles would not be identified as one of those vehicles that would be allowed in those lanes.

**Mr. O'Toole:** So the decision has been made?

**Mr. Lalonde:** That's right.

**The Chair:** Moving on to section 25: Any comments or questions? Seeing none, shall section 25 of schedule A carry? All those in favour? All those opposed? That's carried.

Section 26: Any comments or questions? Seeing none, shall section 26 of schedule A carry? All those in favour? All those opposed? That's carried.

Section 27, a government motion.

**Ms. Deborah Matthews (London North Centre):** I move that subsections 176(2) and (3) of the Highway Traffic Act, as set out in subsection 27(1) of schedule A to the bill, be struck out and the following substituted:

“School crossing guard shall display sign

“(2) A school crossing guard about to direct persons across a highway with a speed limit not in excess of 60 kilometres per hour shall, prior to entering the roadway, display a school crossing stop sign in an upright position so that it is visible to vehicles approaching from each direction and shall continue to so display the school crossing stop sign until all persons, including the school crossing guard, have cleared the roadway.

“Vehicles approaching guard displaying sign

“(3) Where a school crossing guard displays a school crossing stop sign as provided in subsection (2), the driver of any vehicle or streetcar approaching the school crossing guard shall stop before reaching the crossing and shall remain stopped until all persons, including the school crossing guard, have cleared the half of the roadway upon which the vehicle or streetcar is travelling and it is safe to proceed.”

**The Chair:** Any comments or questions on this motion? Ms. Matthews, did you want to speak about it?

**Ms. Matthews:** What this motion does is replaces the word “children” with “persons,” to allow crossing guards to protect all people crossing the street. This reflects Mr. Brown's private member's bill that was debated earlier in the House.

**The Chair:** Any further comments or questions? Shall the motion carry? All those in favour? All those opposed? That's carried.

Shall section 27 of schedule A, as amended, carry? All those in favour? All those opposed? That's carried.

Section 28: Any comments or questions? Shall section 28 of schedule A carry? All those in favour? All those opposed? That's carried.

**Mr. Bisson:** Sections 29 through 31?

**The Chair:** We can do that. Are there any comments or questions on sections 29 through 31?

**Mr. O'Toole:** I have a question on that section.

**The Chair:** Any comments or questions on section 29 through 30? All those in favour? All those opposed? That's carried.

Section 31: Mr. O'Toole.



**Mr. O'Toole:** This may not be the appropriate section, but the issue I want to bring is a letter sent by the minister on August 30, 2005, to a Trevor Parker, signed by the minister. The topic is low-speed vehicles. I said that it was slow-moving vehicles; it's LSVs, low-speed vehicles.

In the minister's letter, it says:

"The Ontario government recently introduced legislation to address this issue. If passed, this legislation would allow designated organizations to test new technologies, including new vehicle types such as LSVs, on Ontario roads."

I want to put that correspondence on the record. I also want to put on the record that there are persons who wish to be part of any pilot so that it's not an inside-the-house deal. Because of the changing and innovative technologies in automotive transportation, I've been urged to contact Probyn "Bunny" Gayle at Feel Good Cars in Toronto, as well as Trevor Parker, who is president of ICLectric low-emission vehicles. I'm encouraged that if this pilot is allowed to happen in a creative way there would be a lot of opportunities to deal with gridlock, as well as innovation in terms of public and personal transit. That correspondence is on the record. I've done my duty and I would encourage you to work with the organizations that I've mentioned.

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I also refer to a study that was done in Quebec. I have the summary of the executive report. It talks about much of the work that's been done in Quebec on low-speed vehicles and how they may be part of the solution for urban transportation in the future.

So with that, thank you for your indulgence. I don't have any amendments, but it may be in that section.

**The Chair:** Any comments or questions on section 31? Seeing none, shall section 31 of schedule A carry? All those in favour? All those opposed? That's carried.

Section 32: a government motion.

**Mr. Vic Dhillon (Brampton West–Mississauga):** I move that section 32 of schedule A to the bill be struck out and the following substituted:

"Commencement

"32(1) Sections 5 to 8, 10 and 18.1, subsection 20(1), section 25, subsection 26(1), sections 28 and 29, subsection 31(1) and this section come into force on the day the Transportation Statute Law Amendment Act, 2005 receives royal assent.

"Same

"(2) Sections 1 to 4, 9, 11 to 18, 19, subsection 20(2), sections 21 to 24.1, subsection 26(2), sections 27 and 30 and subsection 31(2) come into force on a day to be named by proclamation of the Lieutenant Governor."

**The Chair:** Any comments or questions?

**Mr. Bisson:** It kind of comes back to the issue that we dealt with at the beginning in regard to the cab industry at the airport, in the city of Toronto and across this province. Effectively, what you're doing is giving the ability for cabinet to decide when this bill is going to come into

force. It may or it may never, depending, but it clearly puts that responsibility on cabinet.

We have an amendment later that would deal with this much more specifically to make sure that there actually is an amendment to the Municipal Act before we'd ever contemplate this. So I'd ask the government to vote against this and to support the NDP motions that you'll see under numbers 11, 12 and 13 that will make it a lot clearer that this act not come into effect, the sections dealing with the cab industry, until such time that we actually do a review of the Municipal Act that would guarantee that, rather than putting us at the whim of whatever cabinet decides to do or not to do. That would be the question. A little bit of Shakespeare in the morning; I thought it was good.

**The Chair:** It's good. Any further comments or questions? All those in favour of the motion? All those opposed? That motion is carried.

The next motion is a government motion. I believe it's Ms. Matthews again.

**Ms. Matthews:** I'm just a bit confused, because I thought this was to be used only if the fourth amendment was passed.

**The Clerk of the Committee:** You don't need to move it if you don't need it.

**Ms. Matthews:** I don't need it; that's what I thought. Excellent.

**The Chair:** So you're not going to move it?

**Ms. Matthews:** No.

**The Chair:** Number 10 is not being moved; it's withdrawn.

Number 11: Mr. Bisson.

**Mr. Bisson:** I move that section 32 of schedule A to the bill be amended by adding the following subsection:

"Same

"(3) A proclamation shall not be issued in respect of sections 1 and 4 until after the first review under subsection 3(2) of the Municipal Act, 2001 is completed and an act amending the Municipal Act, 2001 as a result of that review is enacted."

**The Chair:** Would you like to comment?

**Mr. Bisson:** It goes back to the comment I made earlier, which is, it seems to us that the government is saying, "Trust us. We're not going to do anything until we get to the Municipal Act," and we're just saying let's make sure that is done in some concrete way so that we're not at the whim of cabinet to do what it wants to do. This would make it very clear that those sections won't come into force until we've had an opportunity to look at the sections of the Municipal Act that are offending to the cab industry of the city of Toronto and other cities across the province.

**The Chair:** Any comments? Mr. Duguid.

**Mr. Duguid:** Just to start off, let's clarify that the member's interpretation of the government's position is not accurate. But let me also say that we've heard calls to clamp down on scoopers going on for years. When the opposition parties were in office, and frankly when our party was in office before, none of us at that time ad-



dressed the problem. For the first time, we're putting some teeth into the legislation to try to address this important problem. Why are we doing this? Because unlicensed scoopers have a greater ability to ply their illegal trade if we don't take some action. The result, if we allow them to continue the way they are, is potential for unsafe vehicles, untrained drivers, uninsured drivers and price gouging for both our local consumers and our tourists. How much longer, I would ask the opposition parties, do they want to place public safety at risk with regard to this particular situation?

This legislation provides more teeth to our efforts to clamp down on scoopers. It clamps down on arrangers of illegal bribes as well, which will help all taxi industries, those that are abiding by the rules. Delaying the enactment of a piece of legislation that protects the public, in my view, is irresponsible. So I don't believe you'll get any support from this side of the House toward delaying this. It makes sense for us to move forward with this. It's in the public interest and it's in the interest of the safety of the public that we do so. So any effort to delay this for any reason is not something that we'll be supporting.

**Mr. Bisson:** That's rather unfortunate. That's all I've got to say, Madam Chair. We've heard on this particular issue from Howard Moscoe, who knows something about this issue from the perspective of the city of Toronto. It just seems to me that what you're doing is making it very easy for the GTAA to block cabbies from being able to go and do business at the airport, but not giving the same kind of authority to—under the act, you're saying that scooping is scooping, no matter where it is. But the reality is it's a lot easier to enforce that at the Toronto airport than it is in the city of Toronto. So I don't think Mayor Miller and the new police chief are going to put a whole bunch of cops on the road to enforce the scooping—limo drivers are another issue—in the same way it's going to happen at the airport.

It just seems to me that this is a bit of a simplistic approach to what is a fairly complex problem. What we need is some sort of mechanism that basically recognizes the ability for both the GTAA limo drivers and the taxi drivers across this province to make a living in some regime that's fair and treats everybody in a way that makes some sense. I don't see this bill doing that.

**The Chair:** Any further comments or questions?

**Mr. O'Toole:** Yes. Our amendment, which will follow, basically addresses the same issue, which is the taxi issue. I know that a number of persons appeared before this committee on this ongoing challenge for the government. I feel I want to put it on the record that I did meet with some of what I'd call independent operators in that industry. We've agreed, as the opposition, to submit their request for what the industry sees as a solution. Their solution refers to a level playing field; that is, point-of-pickup is an old standby position in which you're only eligible to have a pickup where you're licensed and you complete the trip within that area where you're licensed to operate. What it means is that if you're only licensed at the operator out of the airport, then you should operate out of the airport. When you drop off your

passenger at a destination that's out of the jurisdiction, there's no return trip.

As it is today, the Toronto—

**The Chair:** Mr. O'Toole, are you speaking to this motion?

**Mr. O'Toole:** Yes, I am. I believe I am, from Mr. Duguid's comments.

So what the industry—and our amendment will probably say the same thing in here. The persons I met with—and I'm looking at the comments to the committee, the submissions, who appeared and when they appeared: Hillel Gudes, Andy Réti, Gerald Manley of the taxi industry and others who appeared before the committee. There were quite a few on this issue. I think it's worthy of trying to resolve.

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What they're suggesting here, the level playing field, would mean that if the limousines can pick up in Toronto, then the Toronto taxis should pick up at the airport, if they have a return fare. From the point of view of the environment and good business, it would make sense that they both have the ability to pick up, but how do you police it? There are more taxis in Toronto than there are limousines at the airport.

There's some conflict between the city of Mississauga and the city of Toronto. What they're recommending is that section 4 of schedule A, Bill 169, really be set aside and that this section be dealt with in subsection 155(2) of the Ontario Municipal Act. I tend to support that.

The other solution of the two options is to allow both to pick up at either one without undue restrictions. I don't know how you'd enforce it, because every taxi, if it didn't have a fare, would be at the airport picking people up. How do you know it's a return trip? The same thing can be said of Toronto. I suspect every trip, probably, is going into Toronto or Mississauga. How do you support taxis from other jurisdictions? So the point of pickup is really the easiest: If you're not licensed, you're not able to do what you—it would find its way into their fares, so that the gas and other inefficiencies of returning empty would work its way out. So the fare today might be \$45 to the airport; you might find yourself paying more.

I'd be interested in the government's position purely in allowing small business to operate. I'm pleased to be educated at the time and expense of this committee, but I think the licensing issue itself is even more a part of this. In part of the Municipal Act, they're able to license them. Apparently, they pay maybe 500 bucks for the actual license, and there aren't any being issued—that's my understanding—so the market value of those licenses is \$300,000 or \$400,000. If they have a license today, since there are no more being issued, it has greater value than what they actually paid to the city of Toronto or the city of Mississauga.

With the limited understanding that I have of this, I'm anxious to hear a response from the parliamentary assistant or Mr. Duguid, who has spent time on this topic, I'm certain, at the city of Toronto when he was on their council. I ask for some sort of response in support of your amendment to find a solution.



**Mr. Duguid:** I want to thank the critic for sharing with us the Conservative position on this particular issue. It's rare, but it's important for us to know that in fact the opposition party, the Conservatives, are in favour of amending the Municipal Act to accommodate the needs of the Toronto taxi drivers. I think that's important.

We've made a commitment to consider the views put forward by the Toronto taxi drivers during our review of the Municipal Act and the City of Toronto Act. As somebody from the city of Toronto who has met with the very same individuals, I think all of them, that Mr. O'Toole has met with, I will listen carefully to what they have to say. As we move forward with those reforms, certainly we'll take that into consideration. So I thank the critic for being up front about the Conservative position on this. Perhaps that can help us as we move forward.

**The Chair:** Mr. Ouellette.

**Mr. Ouellette:** Our concern is, obviously, that in the short term, while the Municipal Act's considerations are being brought forward, we're going to create an unlevel playing field. As presenters representing the groups from the airport came forward, they stated that the scooping was taking place both ways. We have some strong concerns that we need to move forward as quickly as possible with the Municipal Act changes so that we can create a level playing field on both sides.

**The Chair:** Mr. O'Toole.

**Mr. O'Toole:** I'm not adding very much, except I'd like to be on the record as mentioning Gilles Lavoie, who also, I believe, appeared before this committee as part of the Toronto taxi industry. We, of course, when we were government—I think it was a private member's bill; Raminder Gill actually introduced the bill. Today it's my understanding that if a Toronto taxi takes a fare to the airport, they have to wait in a compound and have a specifically arranged return trip. Today, from what I hear informally on this, I suspect that perhaps limousines could find themselves in a similar situation at certain hotels, with certain restrictions. That's all we really want: a level playing field. Really, it is about people who are working hard, working many hours, to make a living.

The industry, in a broad sense—I wouldn't like to stretch it beyond the GTA, but even Mississauga is part of this, because the airport itself is in Mississauga, Peel region, and a very small part is actually in the city of Toronto. Apparently, some are actually dual-licensed. I don't know how they actually operate. I guess they're familiar faces at the airport.

It is an issue, and I have the assurance of Mr. Duguid or Mr. Lalonde that you're prepared to set this aside before it receives royal assent as part of the review of the City of Toronto Act and, broadly, the Municipal Act. I think they're suggesting that section 155(2) of the Municipal Act—they've had meetings with Michael Bryant and the Premier, I believe, and on May 18 sent correspondence which gives a very well-developed history and sketch of the challenge to the industry. I don't think the members here really appreciate that it is sensitive. We're talking about huge sums of money that the informal value of those licences would be devalued by, and that could

create some challenges for members of government and/or opposition.

In the interest of doing the right thing for business and customer service, as well as the environment—because I just do not see returning empty. What's that about, just driving around with no passengers in the vehicle? We're already talking about high-occupancy vehicles.

**The Chair:** Mr. O'Toole, can I—

**Mr. O'Toole:** I think I've made my arguments as well as I understand them.

**The Chair:** Thank you. Any further questions or comments on the NDP motion put forward by Mr. Bisson? Seeing none, all those in favour? All those opposed? That's lost.

Mr. Bisson, you have the next motion.

**Mr. Bisson:** I move that section 32 of schedule A to the bill be amended by adding the following subsection:

“Same

“(3) A proclamation shall not be issued in respect of sections 1 and 4 until after a new public act governing the city of Toronto is enacted.”

Just quickly on that, we heard from Howard Moscoe, who was before this committee at one point. He basically said that the transportation committee of the city of Toronto is opposed to Bill 169 until such time that they're able to deal with it internally to figure out what recommendations to give to the government so that when the City of Toronto Act is actually proclaimed, there will be an ability to incorporate some fair regime into that act.

**The Chair:** Any comments or questions?

**Mr. O'Toole:** Yes. I propose that Mr. Bisson consider our motion, which is a little bit more developed, but the general principle is the same. I guess we'll have to deal with that. I'll be supporting this and I think anyone of good conscience here will support it, because it really still gives the power. All they're saying is to not proclaim it until the reviews of the City of Toronto or Municipal Act. I think that's the safe ground. At the end of the day, you're still the government. You can ram this thing through as it stands and not solve the problem, but I think that as good policy, you would be wise to deal with this issue where others have not. It has been around since 1978, as I understand. With the good will of some of the government members, we'd probably support Mr. Bisson's motion.

**The Chair:** Any comments or questions?

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**Mr. Bisson:** I don't want to take up more time than the government is willing to give, but I guess I'd just say two things.

One is that the government, during the last election and afterwards, said they wanted to develop a new relationship with cities, that they want to take their lead from what cities say about what they need to govern themselves and do their jobs. Clearly, we're getting some direction from the city of Toronto. This is basically a city of Toronto issue and not so much an issue in other parts of the province in terms of the problem that exists between the airport and the downtown cabs. It seems to me that since we're hearing from the city of Toronto that



"We're just asking you not to enact this until such time as we have a review of the act," it would only be doing what you promised in the last election, that is, to work with cities and help them develop the tools they need to resolve some of their problems. That would be my first point.

My next point is just to say again that the city of Toronto is closer to this than we are. As a former municipal alderman, you would know that, Mr. Duguid, and so would Monsieur Lalonde. That's the level of government that's closest to this, and in the end, they have to enforce this. If they are going to put traffic cops or police officers out to charge people under this act, they're the ones who are going to have to make this decision. So we should give them the opportunity to figure out how they want to make this work, how it's going to be administered from their point of view, and then we can do whatever we need to do with the City of Toronto Act, with their co-operation, when we bring that act before the Legislature.

**Mr. Duguid:** I appreciate both opposition parties and critics being clear that they would support extending the provisions, whether it be under the Municipal Act or the City of Toronto Act, to Toronto or potentially other cities to regulate licensing of taxicabs. It is helpful as we move forward in our reforms to the Municipal Act and the City of Toronto Act that their positions are clear, and from what the opposition parties have said today, I think they are in support of extending those provisions to municipalities.

We're considering that now. We'll take into consideration the views of all concerned as we move forward. I'll give the commitment we gave at the previous meeting that the views of the taxi industry in Toronto are of interest to all of us and we will certainly take into consideration their views as we move forward.

**The Chair:** Any further comments or questions? Seeing none, shall the motion carry? All those in favour? All those opposed? That's lost.

The next motion is a PC motion. Mr. O'Toole, are you the mover?

**Mr. O'Toole:** Sure. I'll move this and read it—

**The Chair:** Sorry. You're not subbed in. You haven't been subbed in since? No? Mr. Ouellette.

**Mr. Ouellette:** I move that section 32 of schedule A to the bill be amended by adding the following subsection:

"Same

"(3) A proclamation shall not be issued in respect of sections 1 and 4 until after legislation is enacted respecting the operation of taxis at airports,

"(a) as an amendment to the Municipal Act, 2001 that incorporates the terms of an agreement among the affected municipalities and the associations that represent taxi operators; or

"(b) as an act respecting the city of Toronto that incorporates the terms of an agreement between the city of Toronto and the associations that represent taxi operators."

**The Chair:** Did you want to make some comments about that?

**Mr. Ouellette:** I think we've had some discussions about this. It's just a move forward to address that key issue of maintaining a level playing field in the long term, because in the short term we believe there is going to be some unlevel playing field in favour of the individuals working at the airports.

**Mr. O'Toole:** I do want to again thank Andy Réti for writing to Michael Bryant and the response to that. I'm very gratified to hear Mr. Duguid saying that he—as a person who probably understands this better than some.

I'm going to put on here:

"The following is the course of action we expect the provincial government to take:

"1. Amend the Municipal Act by eliminating section 155(2). This will re-establish a level playing field between the Toronto tax industry and Pearson airport taxis and limousines. To a great extent it will take care of most of the 'scooping' problems in both jurisdictions, so much so that part IV of Bill 169 will not be needed. Airport vehicles will not pick up in Toronto, and Toronto cabbies will stop 'scooping' at the airport, since most of them who 'scoop' do it because they are angry at the lack of a level playing field.

"It will also bring back to Toronto the point-of-pickup principle that has been working so successfully in the rest of Ontario. In short, it will give the airport vehicles what is rightfully theirs, namely, all the fares from the airport where they are licensed and where they pay their annual licence fees, and at the same time it will give Toronto cabbies what is rightfully theirs, namely, all the fares that originate from Toronto where they are licensed and where they pay their licence fees. We respectfully submit that with that change, the best interest of the travelling public will be better served."

So they're on the record, and I am convinced that Mr. Duguid and his good work of trying to do the right thing will convince the government and potentially even the parliamentary assistant that this is the right course.

**The Chair:** Any further comments or questions?

**Mr. O'Toole:** I'd ask for your support for this, even if it's tokenistic. One or two of you should break with the pack.

**The Chair:** Thank you, Mr. O'Toole. Any further comments or questions on this motion?

All those in favour of the motion? All those opposed? That's lost.

Shall section 32 of schedule A, as amended, carry? Any comments or questions?

**Mr. O'Toole:** Recorded vote.

#### Ayes

Dhillon, Duguid, Lalonde, Matthews.

#### Nays

Bisson, Ouellette.



**The Chair:** That's carried.

Shall schedule A, as amended, carry?

**Mr. Bisson:** Recorded vote.

**The Chair:** A recorded vote has been requested on schedule A, as amended.

#### Ayes

Dhillon, Duguid, Lalonde, Matthews.

#### Nays

Bisson, Ouellette.

**The Chair:** That's carried.

Moving on to schedule B, section 0.1, I believe there's a government motion.

**Mr. Bisson:** On a point of order, Madam Chair: Are we amending the GO Transit Act in this bill? Was that mentioned originally?

**The Chair:** I can't comment till I hear the motion being read, and then I will rule on it.

**Mr. Bisson:** Just fair warning.

**The Chair:** Thank you.

**Mr. Dhillon:** I move that schedule B to the bill be amended by adding the following section:

"Amendment to the GO Transit Act, 2001

"0.1 Clause 35(1.1)(b) of the GO Transit Act, 2001 is repealed and the following substituted:

"(b) December 31, 2006."

**The Chair:** I'm going to rule this motion out of order because it's an amending piece of legislation that's not opened in Bill 169.

**Mr. Lalonde:** Madam Chair, I would ask for unanimous consent to proceed with this amendment.

**The Chair:** Do I have unanimous consent to proceed? Apparently we don't have unanimous consent, so we have to move on.

**Mr. Lalonde:** Can I explain why?

**The Chair:** I don't think you can, no. We don't have unanimous consent.

Section 1: Any comments or questions on section 1? Seeing none, shall section 1 of schedule B carry? All those in favour? All those opposed? That's carried.

On section 2 of schedule B, are there any comments or questions? Seeing none, shall it carry? All those in favour? All those opposed? That's carried.

Any comments or questions on section 3? Seeing none, shall section 3 of schedule B carry? All those in favour? All those opposed? That's carried.

Section 3.1: There's a government motion; page 15.

**Mr. Rinaldi:** Section 3.1 of schedule B to the bill (clauses 34(2)(g) and (h) of the Public Transportation and Highway Improvement Act).

I move that schedule B to the bill be amended by adding the following section under the heading "Amendments to the Public Transportation and Highway Improvement Act:"

"3.1 Subsection 34(2) of the act is amended by striking out 'or' at the end of clause (e) and by adding the following clauses:

"(g) construct, dedicate or use, or allow another person to use, any highway or road allowance any part of which lies within 800 metres of any limit of the King's Highway; or

"(h) use any land, any part of which lies within 800 metres of any limit of the King's Highway, for the purposes of a residential development to which section 51 of the Planning Act or section 9 of the Condominium Act, 1998 applies or a building or development within the multi-residential property class prescribed under the Assessment Act."

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**The Chair:** Mr. Rinaldi, I'm going to also declare this motion out of order, because the amended clause is not opened up in Bill 169.

**Mr. Rinaldi:** Could we ask for unanimous consent, Madam Chair?

**The Chair:** Do we have unanimous consent?

**Mr. Bisson:** No.

**The Chair:** No, we don't.

Moving on to number 16.

**Mr. Duguid:** I move that schedule B to the bill be amended by adding the following section under the heading "Amendments to the Public Transportation and Highway Improvement Act":

"3.2 Subsection 38(2) of the act is amended by striking out 'or' at the end of clause (f) and by adding the following clauses:

"(h) construct, dedicate or use, or allow another person to use, any highway or road allowance any part of which lies within 800 metres of any limit of a controlled-access highway; or

"(i) use any land, any part of which lies within 800 metres of any limit of a controlled-access highway, for the purposes of a residential development to which section 51 of the Planning Act or section 9 of the Condominium Act, 1998 applies or a building or development within the multi-residential property class prescribed under the Assessment Act."

Madam Chair, I would just ask staff to explain why I've moved this.

**The Chair:** Mr. Duguid, before they do that, I am going to rule this out of order, for the reason that clauses (h) and (i) of subsection 38(2) are not in the act.

**Mr. Duguid:** Madam Chair, maybe I'll change my request. Could I ask staff to comment on why this may be worth considering to request unanimous consent for?

**The Chair:** I believe we have to have unanimous consent before that would happen. Do we have unanimous consent?

**Mr. Ouellette:** No.

**The Chair:** No, we don't have unanimous consent.

**Mr. Duguid:** On a point of order, Madam Chair: Could I perhaps call staff to the floor?

**The Chair:** On what motion would you be doing that?



**Mr. Duguid:** I want to ask them a few questions with regard to this particular section before us right now.

**The Chair:** Actually, not the one before us if I have declared it out of order.

**Mr. Duguid:** What section are we on right now in the act?

**The Chair:** We were on 16, but we have not had unanimous consent.

**Mr. Duguid:** So you have to move the section. When you move the section, I'll make the request.

**The Chair:** Thank you.

Page 17, which I believe is a government motion: Mr. Lalonde.

**Mr. Lalonde:** Madam Chair, I believe this amendment has to be withdrawn since amendments 15 and 16 have been.

**The Chair:** So it's not moved. I understand it's the same with numbers 18 and 19. Is that right?

**Mr. Lalonde:** That's right.

**The Chair:** So we're at section 4. Any comments or questions?

**Mr. Duguid:** On section 4, there were a number of amendments ruled out of order that the government side had put forward. I'd just like to ask staff to the floor. I have some questions on this particular section to ask them.

**The Chair:** Could staff come forward and please identify yourself for Hansard.

**Ms. Mary Preiano:** My name is Mary Preiano. I'm counsel with the Ministry of Transportation.

**Mr. Duguid:** You're familiar with the section. My question: There may be ways to improve this section and I just want to get your advice. Is this section as good as it could be or are there ways you would recommend that we improve it? If so, perhaps you could explain to us what amendments you might consider advising us to make, and as well why you would suggest that these amendments be brought forward.

**The Chair:** I'm going to allow the question and I'm going to allow the answer. Are you both going to be speaking, or just one?

**Ms. Preiano:** I'll be speaking.

These two amendments were proposed to clarify the minister's ability to control the activities within the permit control area of controlled access highways and King's highways to control; in addition to commercial activities, residential developments as well.

**Mr. Duguid:** Why do we want to do that?

**Ms. Preiano:** There was a court decision that came down that essentially restricted the minister's ability to regulate activities within the corridor area of the King's highways and controlled access highways to commercial activities. However, it's always been the ministry's policy that all developments and activities within the regulated permit area have to be subject to ministry regulations.

**The Chair:** Mr. Bisson has a question.

**Mr. Bisson:** If Mr. Duguid has another question, I'm prepared to let him finish his question.

**The Chair:** You can go back and forth.

**Mr. Duguid:** Either way; we can go back and forth.

**Mr. Bisson:** I take it that this became an issue after this particular bill had entered the House and passed second reading. Therefore, if this would have happened prior to second reading, this may have been included in the bill.

**Ms. Preiano:** That's correct.

**Mr. Bisson:** So the old saying, "You snooze, you lose"—the government will have to bring back another bill in order to deal with it. You just can't come late in the day and say, "Oops, we realize that maybe we should have done something else," without some kind of notice to the opposition parties. I saw that on the weekend as I was going through the stuff on my computer. I didn't quite understand why you were bringing it forward; there was no explanation. I would suggest to the government that if you're going to bring in late amendments that contemplate something else in the bill that wasn't thought of at first, we should be talking to the opposition critics way before we end up at committee, because you end up in this situation. I had no chance to caucus this with any of my members or what the implications would be with anybody. Not to be hostile to you, but it was kind of late in the game.

**Mr. Duguid:** I thought we were here to serve the public interest and do as a committee what we think is best for the public interest. My question would be, if we were to move forward with this particular section as it is, what are the implications of doing that, and would you recommend our moving forward with the section as it is? Actually, no; I'll take that back. What are the implications now if we move forward without amending this section?

**Ms. Preiano:** Without these amendments, the government will have limited ability to regulate residential developments within the corridor control area of the controlled-access highways and the King's highways.

**Mr. Duguid:** What is the implication of that in terms of public interest?

**Ms. Preiano:** The reason that there is an interest in regulating these residential developments is to be able to control flow of traffic and highway safety by minimizing distractions that are adjacent to the highways.

**Mr. Duguid:** So by not allowing these amendments to move forward, in essence what we're doing is putting roadblocks—pardon the pun—in the way of the opportunity here for this committee to improve gridlock in the province.

**Ms. Preiano:** Yes.

**Mr. Duguid:** That's a shame; it really is irresponsible.

**The Chair:** Mr. Ouellette.

**Mr. Ouellette:** I find it irresponsible if we don't get any information beforehand.

I would also recommend to the committee that the other presenters, who were in court on the other side of this issue, be invited to present their side of the case. The reason it was taken to court was that there are at least two sides on these issues, and when we receive these notices



in here, we don't have any opportunity to discuss it with municipalities to find out the impact on municipalities and on the developers themselves. We're hearing one side of an issue and that's it.

The reason we have the committee process is so we can hear all sides of the issue. I think it was unprofessional not to get some notice that this may be before the courts, and presented while the bill was being drafted, to say that we may have to deal with these issues as well, to take in that court consideration. Now we're hearing one side of an issue when there are always at least two in a court case.

**The Chair:** Mr. Bisson.

**Mr. Bisson:** I have much the same comment. I would just say to the ministry staff that there was an opportunity during the committee hearing process to have those people who are interested in this come before this committee and make the case, as the case was made for other issues that the committee agreed on, to amend this bill. For the ministry all of a sudden to come in and say, "Oh, my God, we can make Ontario so much safer only if we could, at the last minute, do whatever"—I'm sure I can come up with 10,000 things the ministry could have done to make our highways more safe and I find it objectionable that we didn't follow the process.

I understand what the government is trying to do and I understand what the ministry is trying to do. That's one side of the story. As Mr. Ouellette said, no opposition critic would allow that to happen, because we haven't had a chance to talk to anybody else about it. I saw that on the weekend, as I read through the material for clause-by-clause, and I was scratching my head, saying, "Why are we putting this in here?" I didn't find out until today, when I talked to our researcher, what some of the logic was. Further, we didn't have a chance to talk to the other side as to how they felt about this, so certainly we weren't allowing it to go through.

I say to my good friend Mr. Duguid, I take your comments in jest.

**The Chair:** Any further comments? Mr. Duguid, did you want to speak?

**Mr. Duguid:** I'll just close with this. I do think it's unfortunate. We have an opportunity to move forward here. It may not be the be-all and end-all in terms of tackling gridlock in this province, but certainly it's another tool that would be helpful in our doing that.

I think it's regrettable that gridlock is apparently not important enough to the opposition parties to move for-

ward on this basis, but they'll have to live with their position. The consequences are on the record that we're here to make amendments to legislation in the public interest, and I think these are responsible amendments that have been put forward in good faith—in the same good faith, quite frankly, that this committee has shown in dealing with some of the opposition motions that in the past would not have been supported by the previous governments as opposition motions. We've shown good faith in dealing and working through some of those concerns. I think it's unfortunate that it hasn't been reciprocated in this particular circumstance.

**The Chair:** Mr. Ouellette.

**Mr. Ouellette:** I think it's unfortunate that only one side of the case was brought forward, that the losers of the court case were brought here and that the other side wasn't given the opportunity to make a presentation before the committee to show us why it would or would not be necessary.

**The Chair:** Mr. Bisson.

**Mr. Bisson:** The point has been made.

**The Chair:** Any further questions or comments on section 4 of schedule B? Seeing none, shall it carry? All those in favour? All those opposed? That's carried.

Section 5: All the motions have been withdrawn. Shall section 5, as scheduled, be carried? Any comments or questions? Seeing none, all those in favour? All those opposed? That's carried.

We're on to sections 1, 2 and 3 of Bill 169. Any comments or questions on section 1? Seeing none, all those in favour? All those opposed? That's carried.

Section 2: Any comments or questions? Shall it carry? That's carried.

Section 3: Any comments or questions? Seeing none, shall section 3 carry? That's carried.

Shall the title of the bill carry? That's carried.

Shall Bill 169, as amended, carry? That's carried.

Shall I report the bill, as amended, to the House? That's carried.

This concludes this committee's consideration of Bill 169. I'd like to thank all my colleagues on the committee for their work on the bill. The committee also thanks the committee in the ministry staff and the members of the public who contributed to the committee's work.

This committee now stands adjourned until the call of the Chair.

*The committee adjourned at 1204.*



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